

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-2, June 2021 Special Session—SB 1202

Emergency Certification

**AN ACT CONCERNING PROVISIONS RELATED TO REVENUE AND
OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE
BIENNIUM ENDING JUNE 30, 2023**

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ALLIANCE LOAN CONVERSION](#)**

Requires DOH to convert a loan made to the Community Development Financial Institution Alliance for a revolving loan fund to a grant

[§ 2 — USE OF BOND PREMIUMS](#)

Delays by two years, from July 1, 2021, to July 1, 2023, the requirement that the treasurer direct bond premiums on GO and credit revenue bonds to an account or fund to pay for previously authorized capital projects

[§§ 3-5 — DOMESTIC WORKERS](#)

Broadens the categories of written information that employers must provide to certain domestic workers when they are hired; requires the labor commissioner to establish a domestic workers education and training grant program

[§ 6 — CALL CENTERS](#)

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Requires the state fire administrator to annually award a grant to distressed municipalities to cover the cost of certification and recruit training for their volunteer fire departments

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OLR PUBLIC ACT SUMMARY

Requires the state's required contribution to SERS to account for the surplus funds transferred from the Budget Reserve Fund to SERS

§§ 11-14 — JUDICIAL COMPENSATION

Increases the salary and other compensation for judges and certain other judicial officials by approximately 4.5% starting in FY 22

§§ 15-19 — COVERED CONNECTICUT

Establishes the Covered Connecticut program to provide fully subsidized health insurance coverage for eligible individuals, including dental benefits and non-emergency medical transport; allows OHS to apply for a 1332 waiver to advance the program's purpose; requires DSS to apply for a 1115 Medicaid demonstration waiver to support the program

§§ 20 & 21 — LOCAL HEALTH DEPARTMENT AND DISTRICT FUNDING

Requires the Department of Public Health to increase payments to municipal and district health departments starting in FY 22

§§ 22-27 — INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY

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§ 28 — PRIMARY CARE DIRECT SERVICES PROGRAM

Requires, rather allows, DPH to establish a program providing grants to community-based primary care providers, and requires DPH to do so within available resources

§§ 29-31 — SOLNIT CHILDREN'S CENTER LICENSURE

Requires Solnit Children's Center's hospital and psychiatric residential treatment facility units to obtain DPH licensure and the DPH commissioner to adopt regulations regarding the facilities' licensure

§ 32 — OFFICE OF THE UNEMPLOYED WORKERS' ADVOCATE

Requires the labor commissioner, within available appropriations, to establish the Office of the Unemployed Workers' Advocate within DOL to assist unemployed people

§ 33 — BROWNFIELD REMEDIATION GRANT FOR PRESTON

Requires DECD to pay Preston a \$7 million grant for brownfield remediation

§ 34 — OPEN EDUCATIONAL RESOURCE (OER) COORDINATING COUNCIL CARRYFORWARDS

Exempts unexpended operating funds of the OER Coordinating Council from lapsing at the end of each fiscal year

§ 35 — AMERICAN RESCUE PLAN ACT REPORTING

Requires OPM to collect data on ARPA spending and submit to the Appropriations Committee the interim and quarterly reports due to the federal government; requires separate quarterly reports to the Appropriations Committee on funds for higher education constituent units, UConn, and the judicial branch

§§ 36 & 37 — COMMUNITY HEALTH WORKER GRANT PROGRAM

OLR PUBLIC ACT SUMMARY

Requires DPH to establish a program providing grants, through FY 23, to community action agencies that employ community health workers providing services to people adversely affected by COVID-19; directs \$6 million of the state's federal funding to the program

§ 38 — CEMETERY RETORT AIR POLLUTION EXCEPTION

Temporarily prohibits the DEEP commissioner from requiring retort relocation or installation of air pollutant control technology on certain cemetery property

§ 39 — STATEWIDE OPIOID CLAIM

Authorizes the attorney general to enter into agreements concerning any statewide opioid claim

§§ 40-50 — RADIATION & RADIOACTIVE MATERIAL REGULATION

Expands DEEP's authority to regulate radiation sources

§ 51 — REDDING SPECIAL TAXING DISTRICT

Specifies how district voting is handled when (1) a municipality is eligible to cast a vote or (2) a vote is tied

§ 52 — FREE PHONE CALLS FOR INMATES

Moves up the implementation date, from October 1, 2022, to July 1, 2022, for requiring DOC to provide free phone services to inmates and generally makes inmates eligible to use phone services for at least 90 minutes per day

§ 53 — PHONE CALLS SUPPLANTING VISITATION FOR YOUTH

Delays the effective date of PA 21-54, § 2, from upon passage to July 1, 2022, which, among other things, prohibits CSSD from supplanting in-person visits with other communication services (e.g., phone calls) for children detained in juvenile detention facilities

§§ 54-57 — PUBLIC HIGHER EDUCATION INSTITUTION GRADUATION FEE BAN

Prohibits assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, Charter Oak State College, or UConn

§ 58 — CONNECTICUT FOUNDATION SOLUTIONS INDEMNITY COMPANY (CFSIC) BOARD OF DIRECTORS

Specifies that the governor's nonvoting CFSIC board appointee required under PA 21-120 is to be considered an ex-officio member under CFSIC's bylaws

§ 59 — GEOLOGICAL SOURCE REPORT (GSR) FOR AGGREGATE QUARRIES

Specifies the type of core sample analysis that must be done as part of the GSR requirement established in PA 21-120

§ 60 — CONCRETE AGGREGATE TESTING

Changes the concrete aggregate testing standards for quarries established in PA 21-120

§ 61 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires the Legislative Commissioner's Office to make necessary technical, grammatical, and punctuation changes when codifying the act

[§ 62 — ANALYSIS OF HOUSING FUNDING ALLOCATION AND SEGREGATION](#)

Requires the OPM secretary to aggregate, analyze, and report on data related to existing state and federal housing programs and economic and racial segregation

[§ 63 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS TO MUNICIPALITIES](#)

Generally prohibits municipalities from receiving Mashantucket Pequot and Mohegan Fund grants if a public school or associated athletic team under its school board's jurisdiction uses Native American names, symbols, or images without tribal consent

[§ 64 — SHORT-TERM INVESTMENT FUND \(STIF\)](#)

Allows the state treasurer to modify or suspend the contribution to the designated surplus reserve of the STIF in certain circumstances

[§ 65 — BEVERAGE CONTAINER RECYCLING GRANT PROGRAM](#)

Establishes a grant program for new beverage container redemption locations in urban centers and environmental justice communities

[§ 66 — EXEMPTION TO FLOODPLAIN REQUIREMENTS FOR CERTAIN NORWICH PROPERTIES](#)

Authorizes certain building spaces on three Norwich properties to be used for commercial or residential purposes regardless of requirements governing floodplains

[§ 67 — DDS WAITING LIST REPORT](#)

Requires the DDS commissioner to annually report specified waiting list information to the Public Health and Appropriations committees

[§ 68 — LEVEL OF NEED ASSESSMENT SYSTEM ADVISORY COMMITTEE](#)

Establishes a 19-member committee to advise the DDS commissioner on the level of need assessment system

[§§ 69-74 — DEBT-FREE COMMUNITY COLLEGE AND ONLINE LOTTERY SALES REVENUE](#)

Expands funding for the state's debt-free community college program from online lottery ticket sales revenue

[§§ 75-76 — CRISIS INITIATIVE EXPANSION](#)

Expands the CRISIS Initiative pilot program to Troop D and establishes a task force to study expanding it throughout the state

[§ 77 — FEE-FREE DAY](#)

Requires BOR and BOT to jointly establish an annual "Fee-Free" Day

[§§ 78-80 — GEOGRAPHIC INFORMATION SYSTEMS OFFICE](#)

Creates a new GIS office within OPM and establishes a GIS information officer to oversee it and its staff; establishes a GIS Council to consult with the new officer on free and public GIS data

[§ 81 — STUDY OF EQUITY IN STATE GOVERNMENT PROGRAMS AND ACTIONS](#)

Requires CHRO to oversee a study of equity in state government programs and actions; requires DAS, in consultation with CHRO and OPM, to hire a consultant to conduct the study; specifies the study's required components and requires its submission to the GAE Committee by February 15, 2023

[§ 82 — PA 21-43 EXEMPTION](#)

Exempts from PA 21-43's requirements renewable energy projects that are under contract with another entity and approved by the relevant regulatory authority before January 1, 2022

[§ 83 — CONTRACTS BETWEEN HEALTH CARRIERS AND PARTICIPATING HEALTHCARE PROVIDERS](#)

Requires health carriers to provide 90-days' notice before changing certain participating provider contracts and allows providers to appeal any changes

[§ 84 — BACKGROUND CHECK FEE WAIVERS FOR VOLUNTEER FIRE AND AMBULANCE ORGANIZATIONS](#)

Exempts volunteer fire and ambulance organizations from fees on certain background check services and prohibits requiring proof of insurance before waiving the fees

[§ 85 — ELECTION MONITOR](#)

Requires the secretary of the state to contract with an individual to serve as an election monitor in Bridgeport for the 2021 municipal election and 2022 state election

[§ 86 — LEGISLATIVE ARPA ALLOCATIONS](#)

Specifies that the requirement for the legislature to approve ARPA allocations applies to both partial and final allocations; requires OPM to notify the Appropriations Committee when it is determined that such an approval is not allowable under federal guidance

[§§ 87-91 — ELECTRONIC SYSTEM FOR TRANSMITTING VOTER REGISTRATION APPLICATIONS](#)

Requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved and NVRA-compliant electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless an applicant declines to apply for admission

[§ 92 — E-SIGNATURE SYSTEM FOR ELECTIONS FORMS](#)

Requires the secretary of the state to implement an e-signature system for most elections-related forms and applications

[§ 93 — DISTRIBUTING VOTER REGISTRATION INFORMATION AT HIGH SCHOOLS](#)

Requires registrars of voters to annually distribute voter registration information at public high schools

[§ 94 — TIME OFF TO VOTE](#)

Requires employers to give an employee two hours of unpaid time off for state elections and certain special elections if he or she requests it in advance

[§ 95 — VOTERS WITH DEVELOPMENTAL DISABILITIES](#)

Eliminates the ban on mentally incompetent people being admitted as electors

[§§ 96-98 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY](#)

Eliminates the forfeiture of convicted felons' electoral privileges (i.e., voting rights) if they are committed to confinement in a community residence; restores these privileges to convicted felons who are on parole or special parole or confined in a community residence

[§§ 99-100 & 127-143 — EXPANDED ABSENTEE VOTING AUTHORIZATION AND UPDATED FORMS FOR ELECTIONS OCCURRING BEFORE NOVEMBER 3, 2021](#)

Extends to November 2, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19, including by (1) expanding the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness; (2) allowing municipalities to conduct certain absentee ballot pre-counting procedures; and (3) extending, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting the returns

[§§ 99 & 100 — ELECTION NOTICES](#)

Requires town clerks to post notices for state and municipal elections on the town website

[§ 101 — ONLINE SYSTEM FOR ABSENTEE BALLOT APPLICATIONS](#)

Allows individuals to apply to the secretary of the state for an absentee ballot using an online system

[§ 102 — DROP BOXES FOR RETURNING ABSENTEE BALLOTS](#)

Makes permanent the use of drop boxes for returning absentee ballots

[§ 102 — ABSENTEE BALLOT RETURN BY SIBLINGS AND DESIGNEES](#)

Expands who is eligible to return absentee ballots on behalf of a voter as an immediate family member or designee

[§ 103 — PERMANENT ABSENTEE BALLOT STATUS](#)

Makes electors suffering from a long-term illness eligible for permanent absentee ballot status, among other things

[§ 104 — VOTER REGISTRATION INFORMATION DISCLOSURE](#)

Generally, limits disclosure of certain voter registration information

[§§ 105 & 106 — DEADLINE TO CHALLENGE CERTAIN CANDIDATES](#)

Moves up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) judge of probate in a multi-town district or (2) a member of Congress

[§ 107 — POST-ELECTION AUDITS](#)

Subjects centrally counted absentee ballots to post-election audits

[§ 108 — SUPERVISED ABSENTEE VOTING](#)

OLR PUBLIC ACT SUMMARY

Authorizes the secretary of the state to suspend supervised absentee voting or mandatory supervised absentee voting in recognition of a public health or civil preparedness emergency

[§ 109 — ABSENTEE BALLOTS FOR ELECTORS WITH A VISUAL IMPAIRMENT](#)

Requires the secretary of the state to provide an electronic absentee ballot to electors who are unable to appear at their polling place because of a visual impairment

[§ 110 — ASSISTANCE IN VOTING BOOTHS AT EDR LOCATIONS](#)

Specifies that certain electors may receive voting assistance in voting booths at designated EDR locations

[§§ 111-114 — APPOINTED POLLING PLACE CHALLENGERS](#)

Conforms the law with current practice by eliminating provisions authorizing registrars of voters to appoint challengers as polling place officials

[§ 115 — STUDY ON AGENCY DISTRIBUTION OF MAIL VOTER REGISTRATION APPLICATION FORMS](#)

Requires the secretary of the state and various agencies to study the capabilities of providing an electronic system to distribute mail voter registration application forms

[§§ 116-121 & 495 — MUNICIPAL ELECTION DATE CHANGES](#)

Generally requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years; extends existing provisions on transitioning and deferring terms of office to, and establishes new provisions for, municipalities that change their election date

[§ 122 — TASK FORCE ON ABSENTEE BALLOT ENVELOPES](#)

Establishes a task force to study the feasibility of implementing procedures under which absentee ballot applicants return absentee ballots using one envelope instead of two

[§ 123 — WORKING GROUP ON RISK-LIMITING AUDITS](#)

Establishes a working group to examine risk-limiting audits and oversee a related pilot program, within available appropriations, in five to 10 municipalities for the 2021 municipal elections

[§ 124 — MINOR PARTY RULES](#)

Increases the time period that minor party rules for nominating candidates must be on file with the secretary of the state before the party's candidates may appear on the ballot

[§ 125 — COUNCIL ON SEXUAL MISCONDUCT CLIMATE ASSESSMENTS](#)

Adds the Higher Education and Employment Advancement Committee's ranking members to the Council on Sexual Misconduct Climate Assessments

[§ 126 — TOWN COMMITTEE PRIMARIES](#)

Establishes circumstances under which town committee members who typically are chosen in a direct primary in certain municipalities are deemed elected without a primary

[§ 144 — ABSENTEE BALLOT SIGNATURE VERIFICATION PILOT PROGRAM](#)

Requires the secretary of the state to establish a pilot program to verify signatures manually or electronically on the inner envelopes for returned absentee ballots at the 2022 state election

§ 145 — COVID-19 VACCINATION STATUS INFORMATION

Requires DPH, upon request, to provide to a person (or a minor's parent or guardian) information confirming that the person received the COVID-19 vaccination, but otherwise not disclose this information without consent

§ 146 — STUDENT ATHLETE COMPENSATION

Extends the effective date by which (1) student athletes may begin earning compensation through an endorsement contract or employment in an activity unrelated to any intercollegiate athletic program and (2) higher education institutions must adopt or update their related policies; prohibits student athletes from receiving compensation for the use of their name, image, or likeness

§§ 147 & 149 — PUBLIC AGENCY MEETINGS USING ELECTRONIC EQUIPMENT

Authorizes public agencies to conduct meetings using electronic equipment until April 30, 2022, and establishes requirements and procedures for doing so

§§ 147, 148, 150 & 151 — MEETING NOTICES GENERALLY

Allows public agencies to provide meeting notice by electronic transmission; requires agencies to post certain notices of adjournment on their websites

§ 148 — FREEDOM OF INFORMATION COMMISSION APPEALS

Allows FOIC to electronically send certain documents to parties in an appeal before the commission

§§ 152 & 153 — ORDERLY CONDUCT AT MEETINGS

Allows public agencies and town meetings to deny disorderly individuals access to meetings by electronic equipment

§ 154 — ACIR STUDY

Requires ACIR to study the implementation of the act's provisions

§§ 155 & 156 — PAYING FEES ELECTRONICALLY

Allows town clerks and registrars of vital statistics to designate websites for paying recording fees and vital records fees

§§ 157-175 — ELECTRONIC TRANSACTIONS BY MUNICIPAL PROGRAMS AND ENTITIES

Makes numerous changes allowing municipal entities and other public agencies to conduct business electronically; generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment

§ 168 — RENTERS' REBATE APPLICATIONS

Requires municipalities to grant relief to renters from certain notarization requirements imposed by the municipality for program applications

[§§ 176 & 178-181 — REGIONAL COUNCILS OF GOVERNMENTS \(COG\) BYLAWS, SERVICES, AND FUNDING](#)

Makes minor changes to regional COG bylaw and procedural requirements and modifies, beginning FY22, the COG grant funding calculation

[§ 177 — REGIONAL PERFORMANCE INCENTIVE PROGRAM \(RPIP\)](#)

Modifies the entities and projects that are eligible for RPIP funding and the application requirements and selection criteria

[§ 182 — OUTDOOR DINING ALLOWED AS-OF-RIGHT NEAR FOOD ESTABLISHMENTS](#)

Beginning April 1, 2022, requires municipalities to allow outdoor food and beverage service as an accessory use to a licensed food establishment

[§ 183 — GREENHOUSE GAS REDUCTION FEE CHANGES](#)

Makes several changes related to the greenhouse gas reduction fee charged on vehicle registrations, principally to establish proportional fees for triennial registrations

[§ 184 — COLUMBIA CHARTER REVISION PROCESS](#)

Validates the initiation of Columbia's charter revision process

[§§ 185-186 — DESIGNATION OF VARIOUS DAYS, WEEKS, AND MONTHS](#)

Requires the governor to annually proclaim various days, weeks, and months as times of awareness or observation of different issues and causes

[§§ 187, 188 & 478 — ROAD AND BRIDGE NAME CHANGES](#)

Corrects road and bridge naming provisions that passed in regular session

[§ 189 — TASK FORCE ON THE STATE WORKFORCE AND RETIRING EMPLOYEES](#)

Establishes a task force to study issues related to managerial and exempt state employees' retirements and barriers to recruitment

[§ 190 — STATE AGENCY PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT \(PPE\)](#)

Generally, requires state agencies to make reasonable efforts to buy PPE from companies that changed their business model to respond to the COVID-19 pandemic

[§ 191 — AUTHORIZATION FOR BANKING ACTIVITIES AT REMOTE LOCATIONS](#)

Allows the banking commissioner to establish a process for licensed activities to be conducted from locations other than a registered office

[§ 192 — ENERGY AND ENVIRONMENTAL LEASE FINANCING](#)

Imposes an aggregate cap of \$15 million on the principal amount for energy consumption and environmental impact leases to improve state-owned buildings

[§ 193 — GREEN BUILDING CONSTRUCTION STANDARDS](#)

Requires DEEP to adopt regulations that establish construction standards for certain state-funded building projects by reference to a nationally recognized model for sustainable construction codes that promotes high-performance green buildings

[§ 194 — NON-UNION STATE EMPLOYEE RIGHTS AND BENEFITS](#)

Requires, rather than allows, the DAS commissioner to give unclassified or non-union state employees in the executive and judicial branches the same rights and benefits provided by state employee collective bargaining agreements

[§ 195 — HARBOR MASTERS](#)

Gives the governor more discretion in appointing harbor masters in municipalities in which a local harbor management commission has not submitted at least three nominees

[§§ 196 & 197 — CONFORMING CHANGES TO HIGHER EDUCATION COORDINATING COUNCIL REPEAL](#)

Makes conforming changes related to the repeal of the Higher Education Coordinating Council

[§ 198 — ROBERTA B. WILLIS SCHOLARSHIP PROGRAM ADMINISTRATIVE ALLOWANCE INCREASE](#)

Increases the Roberta B. Willis Scholarship program administrative allowance, from \$100,000 to \$350,000 for one fiscal year

[§§ 199 & 200 — PHYSICIAN ASSISTANT LICENSE RENEWAL FEE](#)

Reinstitutes the previous \$155 physician assistant licensure renewal fee by eliminating an inadvertent \$5 decrease

[§ 201 — STATE CONTRACTING STANDARDS BOARD FUNDING LAPSE](#)

Requires that part of the biennial budget act's appropriation for SCSB lapse on July 1 in FYs 22 and 23

[§ 202 — YOUTH SERVICES PREVENTION GRANTS](#)

Changes two allocations for Youth Services Prevention grants under the FY 22-23 budget

[§§ 203, 232-233, 236-237 & 253-256 — OFFICE OF WORKFORCE STRATEGY](#)

Establishes OWS as a replacement to OWC and generally transfers to OWS' chief workforce officer functions and duties formerly assigned to the labor commissioner and OWC; generally shifts appropriations from DECD for OWS to the Governor's Office for OWS for FYs 22-23; establishes additional OWS duties and reporting requirements

[§ 204 — STATE WORKFORCE STRATEGY UPDATES](#)

Requires the chief workforce officer to submit to the governor recommendations for updates to the state workforce strategy relating to certain individuals' needs and Two-Generational Advisory Board recommendations

[§ 205 — OFFICE OF WORKFORCE STRATEGY ACCOUNT](#)

OLR PUBLIC ACT SUMMARY

Establishes a new OWS account in the General Fund to fund workforce training programs and the office's administrative expenses; requires the chief workforce officer to report to the legislature and governor on these programs and the individuals they served

§ 206 — CREDENTIALS OF VALUE

Requires OWS, in consultation with other state entities, to establish standards to designate certain credentials as "credentials of value"

§ 207 — CREDENTIALS AND SKILLS REPORT

Requires the chief workforce officer to report biennially on certain credentials, skills, and associate degree programs, starting by September 1, 2022

§ 208 — CONNECTICUT APPRENTICESHIP AND EDUCATION COMMITTEE

Makes the committee's annual reporting requirement optional; adds an OWS representative to the committee's membership

§§ 209, 230 & 238-246 — OWS MEMBERSHIP ON BOARDS AND COMMITTEES

Adds the state chief workforce officer to 10 existing boards and commissions; adds an OWS representative to DECD's Technology Talent Advisory Committee; makes various related changes to these entities' membership

§ 210 — EMPLOYMENT SERVICES FOR TANF RECIPIENTS

Removes CETC as an optional administration and services provider for DOL contracts for employment services delivery for TANF recipients

§§ 211, 214-215, 224 & 235 — GOVERNOR'S WORKFORCE COUNCIL

Replaces the Connecticut Employment and Training Commission with the Governor's Workforce Council while carrying some of the Commission's prior duties forward and adding others

§§ 212 & 213 — LABOR COMMISSIONER'S POWERS AND DUTIES

Removes certain employment-related statistical reporting requirements from the labor commissioner's report to the governor; removes certain powers and duties related to employment training programs

§§ 216-222 — REGIONAL WORKFORCE DEVELOPMENT BOARDS

Makes several changes in laws on regional workforce development boards, such as requiring that they undertake their responsibilities in accordance with specified other related initiatives and guidance

§ 223 — STATEWIDE NETWORK OF JOB CENTERS

Requires the labor commissioner to (1) participate in, rather than maintain, a statewide network of job centers and (2) consult and collaborate with the Governor's Workforce Council and chief workforce officer when undertaking related responsibilities

§ 225 — WIOA FUNDS

Limits the amount of the state's WIOA allotment that the governor may reserve for statewide investment activities; expands how reserved funds may be used

[§ 226 — STATEWIDE WORKFORCE DEVELOPMENT BOARD](#)

Recognizes the Governor's Workforce Council as the statewide workforce development board for WIOA purposes

[§ 227 — STATE WORKFORCE DEVELOPMENT PLAN](#)

Requires the governor's workforce development council to develop a four-year state workforce development plan; eliminates obsolete references to a single state plan

[§ 228 — ADULT WORKFORCE DEVELOPMENT ACTIVITY FUNDS](#)

Requires the Governor's Workforce Council, rather than CETC, to annually recommend WIOA fund appropriations for adult workforce development; eliminates certain required components for the recommendation

[§ 229 — TECS AND CTC ALIGNMENT WITH BUSINESS AND INDUSTRY](#)

Requires the TECS board, in consultation with specified entities, to assess TECS and CTC alignment with business and industry

[§ 231 — INTEGRATED SYSTEM OF STATEWIDE INDUSTRY ADVISORY COMMITTEES](#)

Requires the TECS board to create an integrated system of statewide industry advisory committees

[§ 234 — EARLY CHILDHOOD PRESERVICE AND MINIMUM TRAINING REQUIREMENTS](#)

Adds DOL, OWS, and OEC to the list of entities that must consult with the CSCU president to define early childhood preservice and minimum training requirements

[§ 247 — MUNICIPAL REDEVELOPMENT AUTHORITY ASSISTANCE](#)

Requires businesses that receive assistance from MRDA to enter into an agreement with OWS for assistance with the training and recruitment of local employees

[§ 248 — MILITARY TO MACHINISTS PROGRAM](#)

Removes Workforce Training Authority Fund expenditures as a program funding source

[§ 249 — APPRENTICESHIP CONNECTICUT](#)

Makes changes to the labor commissioner's administration of this initiative, including the RFP's timing, proposal requirements, and selection and funding requirements

[§ 250 — CONNECTICUT PRESCHOOL THROUGH TWENTY AND WORKFORCE INFORMATION NETWORK](#)

Makes changes to the CP20 WIN data sharing agreement for participating agencies; allows the chief workforce officer to make an annual data request to CP20 WIN about the state's workforce system

[§ 251 — TECHNICAL CHANGE](#)

Removes a citation to a statute that does not contain a relevant term

[§ 252 — DECD BONDING FUNDS](#)

Removes a cap on the appropriation of DECD bond funds to a DOL program

[§ 257 — CONNECTICUT AUTOMATIC ADMISSIONS PROGRAM](#)

Requires BOR to establish an automatic admissions program for the CSUs' bachelor's degree programs and other in-state participating institutions

[§ 258 — AUTOMATIC ADMISSIONS PROGRAM ELIGIBILITY](#)

Requires boards of education to calculate certain students' GPA using a standardized method and notify them of their eligibility for the automatic admissions program

[§ 259 — CTPASS PROGRAM](#)

Requires the DOT commissioner to establish the Ctpass program to allow certain individuals from eligible organizations to use specified public transit services for free or at a reduced cost

[§ 260 — EDUCATION ASSISTANCE PROGRAMS](#)

Requires certain employers to notify employees about education assistance programs they may offer

[§ 261 — UCONN EARLY COLLEGE EXPERIENCE COURSES](#)

Requires UConn to remove Early College Experience (ECE) course prerequisites as much as possible and report to the education commissioner and legislature on these efforts and related topics

[§ 262 — COLLEGE CREDIT FOR HIGH SCHOOL COURSEWORK](#)

Requires the governing boards of public colleges and universities to report on their policies for awarding college credit for exam scores earned in advanced high school courses

[§ 263 — STUDENT INFORMATION EXEMPT FROM DISCLOSURE](#)

Exempts specified student and parent information from disclosure under FOIA; prohibits the sharing of higher education student applications and immigration status with federal immigration authorities except under specified conditions

[§ 264 — CREDENTIALS DATABASE](#)

Requires OHE to create a database of the credentials offered in Connecticut; beginning by July 1, 2024, requires specified institutions and training providers to submit information about the credentials they offer to be included in the database; creates an advisory council to advise OHE on the database's implementation; establishes council membership

[§§ 265-268 — HIGHER EDUCATION PROGRAM APPROVAL](#)

Decreases, and in some cases eliminates, reporting and approval requirements for new programs and program changes; requires OHE to report on recommendations for program approval and modification requirements to the Higher Education Committee

[§ 269 — STUDENT AND TRAINEE DATA COLLECTION](#)

Requires private occupational schools and certain postsecondary training providers to submit specific data to OHE on each of their enrolled students or trainees; prohibits OHE from releasing any of this identifiable student information to the public but allows data-sharing under limited circumstances

[§ 270 — QUARTERLY REPORTING REQUIREMENTS FOR EMPLOYERS](#)

OLR PUBLIC ACT SUMMARY

Requires employers subject to the state's unemployment law to report certain data about each employee in their quarterly wage reports to DOL, with a waiver option; exempts employers' identifying information and employees' personally identifying information from disclosure under FOIA, with certain exceptions

[§ 271 — DATA SHARING AGREEMENTS](#)

Allows state instrumentalities to enter into a data sharing agreement with non-state entities when permitted under state and federal law

[§ 272 — DISCLOSURE OF TAX RETURN INFORMATION FOR RESEARCH OR CP20 WIN DATA REQUESTS](#)

Authorizes DRS to release tax return information for evaluation or research purposes under specified conditions

[§§ 273-274 — CHESLA LOAN AND AWARD ELIGIBILITY FOR CERTIFICATE PROGRAM ENROLLMENT](#)

Allows students enrolled in a Connecticut high-value certificate program or their parents to take out student loans and receive certain financial aid from CHESLA; requires CHESLA to establish an account to fund and operate these loans

[§§ 275-276 — PAID FAMILY AND MEDICAL LEAVE APPEALS](#)

Allows, rather than requires, the labor commissioner to conduct a hearing for people aggrieved by a denial of paid family and medical leave benefits or the imposition of certain anti-fraud penalties; removes a requirement that appeals in these cases proceed under the UAPA

[§§ 277-278 — THE STATE AS AN EMPLOYER UNDER CT FMLA](#)

Removes a provision that explicitly excluded the state from being an employer covered by the FMLA

[§§ 279-281 — CT FMLA HEARINGS](#)

Requires complaints for FMLA violations to go through additional procedural steps before proceeding to a hearing

[§ 282 — CONNECTICUT STATE GUARD](#)

Allows the governor to raise and maintain the Connecticut State Guard volunteer troops at any time, rather than only when the Connecticut National Guard is, or likely will be, activated for federal service

[§§ 283-286 — SMALL BUSINESS EXPRESS PROGRAM](#)

Makes various changes to DECD's Small Business Express (EXP) program, generally increasing flexibility in the department's administration of the program and allowing for increased participation by private lenders; eliminates certain EXP administrative provisions and modifies the program's components; makes changes to DECD's EXP and annual reporting requirements and the legislative hearing requirements related to certain analyses the department must include in its annual report

[§§ 287 & 491 — VISITATION RIGHTS OF INCARCERATED INDIVIDUALS](#)

Amends PA 21-110, which was vetoed, and thus has no legal effect

[§ 288 — SOLID WASTE REDUCTION PROGRAM](#)

Requires DEEP, within available resources, to develop and implement a program to support strategies for reducing solid waste

[§ 289 — ESSENTIAL WORKERS COVID-19 ASSISTANCE PROGRAM](#)

Establishes the Essential Workers COVID-19 Assistance Program to provide benefits, within available funds, for lost wages, out-of-pocket medical expenses, and burial expenses to qualifying essential employees who could not work due to contracting COVID-19

[§ 290 — BAN ON EMPLOYEE DISCIPLINE AND MISINFORMATION FOR WORKERS' COMPENSATION CLAIMS](#)

Prohibits employers from (1) disciplining employees for filing workers' compensation claims and (2) deliberately misinforming them about or dissuading them from filing claims for workers' compensation or the Connecticut Essential Workers COVID-19 Assistance Program

[§ 291 — WORKERS' COMPENSATION BURIAL EXPENSES](#)

Increases the workers' compensation benefit for burial expenses from \$4,000 to \$12,000, with annual adjustments for inflation

[§§ 292 & 293 — INVESTMENT OF CERTAIN MUNICIPAL RETIREMENT FUNDS](#)

Allows certain municipalities to invest their retirement system assets with trust funds that are administered, held, or invested by the state treasurer

[§ 294 — HEALTH INSURANCE EXCHANGE ASSESSMENTS AND ALL-PAYER CLAIMS DATABASE](#)

Allows the state's health insurance exchange to (1) impose assessments on health carriers to cover the costs of the all-payer claims database and (2) with OPM's approval, enter into an agreement with OHS to use these funds for the database

[§ 295 — INSURANCE FUND AND OHS](#)

Requires the amount annually appropriated from the Insurance Fund to OHS to be reduced by the amount of Medicaid reimbursement the state received for allowable administrative expenses

[§§ 296-305 — WORK ZONE SPEED CAMERA PILOT PROGRAM](#)

Allows DOT to establish a two-year pilot program by January 1, 2022, to operate speed cameras at up to three highway work zones; establishes conditions and procedures for camera operation, violation enforcement, and data collection and retention

[§§ 306 & 307 — ARPA ALLOCATIONS](#)

Adjusts ARPA funding allocations made in the state budget act; allocates ARPA funds for specified broadband and technology projects

[§§ 308 & 316 — CARRYFORWARDS](#)

Adjusts certain carryforwards in the biennial budget act

[§ 309 — STATE CONTRACTING STANDARDS BOARD \(SCSB\) OVERSIGHT OF THE CONNECTICUT PORT AUTHORITY](#)

Subjects the Connecticut Port Authority to SCSB oversight until July 1, 2026

[§ 310 — MEDICARE SUPPLEMENT PLANS](#)

Allows insurers and related entities to offer Medigap plan D and makes related changes; makes a conforming change to exempt entities from offering plan C, to comport with federal law

[§ 311 — FLEX RATING LAW](#)

Delays the sunset date for the personal risk insurance “flex rating” law until July 1, 2025

[§ 312 — INSURANCE REPORT CONCERNING CLIMATE CHANGE](#)

Requires the insurance commissioner to report biennially, until April 1, 2032, on the Insurance Department’s regulatory and supervisory actions to bolster insurers’ resiliency to climate change impacts

[§ 313 — HEALTH CARE COVERAGE IDENTIFICATION CARDS](#)

Requires that health care coverage ID cards note whether the coverage is fully- or self-insured

[§ 314 — TEACHERS’ RETIREMENT DEATH BENEFIT CALCULATION](#)

Changes the death benefit for Teachers’ Retirement System (TRS) members based on accumulated years of service rather than retirement date

[§ 315 — FANTASY CONTESTS PROVISIONAL LICENSES](#)

Requires DCP to issue provisional licenses to the Mashantucket Pequot and Mohegan tribes and the Connecticut Lottery Corporation (CLC) to operate off-reservation fantasy contests

[§§ 317 & 318 — PERSONAL NEEDS ALLOWANCE INCREASE](#)

Increases from \$60 to \$75 per month, the personal needs allowance provided to certain long-term care facility residents

[§ 319 — ACUITY-BASED NURSING HOME RATES](#)

Requires DSS to establish acuity-based rates for nursing homes beginning with FY 23 and establishes related requirements; requires DSS to determine a facility’s certified bed utilization at a minimum of 90% of capacity for computing minimum allowable patient days; prohibits inflationary rate increases for nursing homes for FYs 22 and 23 unless authorized under DSS’s case-mix adjustments

[§§ 320 & 345 — COST-BASED RATEMAKING FOR FACILITIES](#)

Makes several changes to cost-based ratemaking provisions that apply to (1) nursing homes for FY 22 and (2) residential care homes and ICF-IDs; for FYs 22 and 23, (1) allows certain increases for fair rent and capital improvements for residential care homes and ICF-IDs and (2) extends a provision requiring DSS to increase nursing home rates to increase employee wages and benefits

[§ 321 — NURSING HOME TEMPORARY FINANCIAL ASSISTANCE](#)

Requires DSS to issue one-time grants to nursing homes within its \$10 million ARPA allocation

[§ 322 — PRIVATE PROVIDER GRANT PROGRAM](#)

Requires the DMHAS commissioner to establish grant programs to assist private providers

[§§ 323 & 324 — NURSING HOME EMPLOYEE WAGES AND BENEFITS](#)

OLR PUBLIC ACT SUMMARY

Requires the DSS commissioner, within available appropriations, to provide a 4.5% increase to nursing home rates in FYs 22 and 23 for employee wages; appropriates \$15.4 million in FY 23 to provide rate increases for nursing homes that provide enhanced employee benefits

§ 325 — INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF-ID) MINIMUM PER DIEM, PER BED RATE INCREASE

Requires the DSS commissioner to increase the minimum per diem, per bed rates for ICF-IDs to \$501 for FYs 22 and 23

§ 326 — CONNECTICUT HOME CARE PROGRAM FOR THE ELDERLY

Reduces CHCPE copays from 9% to 4.5% and requires DSS to collect program data and report to committees of cognizance

§ 327 — TEMPORARY FAMILY ASSISTANCE

Excludes benefits received during the COVID-19 public emergency from the program's time limit; eliminates reduced benefits for children born after program enrollment; requires lapsed funds to be used for cost of living adjustments under certain conditions

§§ 328-330 — REFUND DISREGARDS IN CERTAIN ASSISTANCE PROGRAMS

Requires DSS to disregard tax refunds when calculating income eligibility for certain assistance programs

§ 331 — MEDICAID PAYMENTS FOR ACUPUNCTURISTS AND CHIROPRACTORS

Requires the state Medicaid program to cover acupuncture and chiropractic services

§ 332 — MEDICAID PAYMENTS FOR METHADONE MAINTENANCE

Eliminates performance-based rate reductions for methadone maintenance providers

§ 333 — MEDICAID RATE PARITY FOR CERTAIN PROVIDERS

Requires Medicaid rates for (1) nurse-midwives to equal obstetrician-gynecologist rates and (2) podiatrists to equal physician rates for performing the same services and procedures

§ 334 — THIRD PARTY LIABILITY FOR MEDICAL ASSISTANCE PAYMENTS

Establishes deadlines for insurers and other legally liable third parties to (1) act on claims DSS submits for covered health care items and services and (2) request refunds from DSS when they determine they are not liable for a claim for which they reimbursed DSS

§ 335 — POSTPARTUM CARE EXTENDED TO 12 MONTHS

Extends Medicaid coverage for postpartum care for 12 months after birth to a woman otherwise eligible for Medicaid, to the extent permissible under federal law

§ 336 — POSTPARTUM CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) COVERAGE

Extends CHIP coverage for postpartum care for 12 months after birth for HUSKY B beneficiaries, beginning April 1, 2022, to the extent permissible under federal law

[§ 337 — NONPROFIT LOAN FORGIVENESS PROTECTIONS](#)

Prohibits state agencies from reducing future contract amounts with, or demanding reimbursement from, nonprofit human services providers that receive funds through certain federal loan forgiveness programs

[§ 338 — HOME & COMMUNITY-BASED RATE INCREASES](#)

Allocates \$5 million for FYs 22 and 23 to increase the reimbursement rate for certain Medicaid-funded home and community-based programs and services and the state-funded Connecticut Home Care Program for the Elderly

[§ 339 — NONPROFIT SAVINGS INCENTIVE PROGRAM](#)

Expands and makes permanent an incentive program for nonprofit human services providers that realize savings in the state-contracted services they deliver

[§ 340 — AMBULANCE RATES](#)

Increases Medicaid reimbursement rates by 10% for ambulance services and by \$3 for ambulance transports

[§ 341 — STATE-CONTRACTED PROVIDERS FOR INTELLECTUAL DISABILITY SERVICES](#)

Requires OPM to allocate funds to increase DDS-contracted service providers' wages and benefits for FYs 22 and 23

[§ 342 — CHRONIC DISEASE HOSPITAL PER DIEM RATE INCREASE](#)

Requires DSS, within available appropriations, to increase the per diem rate for chronic disease hospitals by 4%

[§ 343 — NATCHAUG HOSPITAL INPATIENT MEDICAID PER DIEM](#)

For FY 22, requires the inpatient per diem Medicaid reimbursement rate for Natchaug Hospital to be at least \$975

[§ 344 — UNBORN CHILD OPTION FOR PRENATAL CARE UNDER HUSKY B](#)

Amends PA 21-176 to limit eligibility for prenatal care to households with incomes at or below 258% of FPL

[§§ 346 & 347 — MINIMUM BUDGET REQUIREMENT \(MBR\)](#)

Renews the MBR with all the previous reductions, exemptions, and exclusions and adds additional exemptions for federal funds related to COVID-19 and for state school security grants; makes the MBR law permanent by removing the sunset date; renews and makes permanent the method to determine whether a town's education aid has decreased or increased compared to the prior year when calculating MBR

[§§ 348–350 — EDUCATION COST SHARING GRANT REVISIONS](#)

Suspends for two years scheduled decreases in ECS grants for certain towns; extends the phase-in period for grant decreases until FY 29; changes several ECS formula components, including the weighting for need students; expands the regional per-student bonus to include endowed academies that function as public high schools

[§ 351 — FEDERAL FUNDS FOR OTHERWISE UNENTITLED SCHOOLS](#)

Requires SDE to distribute federal funds to certain otherwise unentitled schools, only to the extent federal law allows

[§ 352 — STATE CHARTER SCHOOL FUNDING FORMULA](#)

Replaces the uniform state charter school operating grant in prior law with a weighted grant formula based on student need

[§ 353 — MATERIAL CHANGES TO CHARTER SCHOOL OPERATIONS](#)

Requires SDE to review and recommend approval of charter school material change requests; creates new submission and review procedures for material change requests seeking to increase charter school enrollment capacity by a certain percentage

[§§ 354-356 — RESIDENCY-BASED MAGNET SCHOOL GRANT CONDITIONS](#)

Reauthorizes prohibition on SDE awarding magnet school operating grants to schools that fail to meet certain residency-based enrollment standards, but also allows the commissioner to waive certain standards

[§ 357 — MAGNET SCHOOL OPERATING GRANTS](#)

Removes requirement that SDE prorate per-pupil magnet school operating grants to reflect available appropriations

[§ 358 — SUPPLEMENTAL TRANSPORTATION GRANT FOR MAGNET SCHOOLS](#)

Changes the payment schedule and number of payments for a supplemental transportation grant for Sheff magnet schools

[§ 359 — PRIORITY SCHOOL DISTRICT GRANTS](#)

Allocates \$5 million in both FY 22 & 23 for PSDs

[§ 360 — YOUTH SERVICE BUREAU GRANTS](#)

Makes FY 21 YSB applicants eligible for a state grant

[§ 361 — TECHNICAL EDUCATION AND CAREER SYSTEM WORLD LANGUAGE REQUIREMENT](#)

Requires the TECS board or superintendent to waive the world language high school graduation requirement for the class of 2023 and 2024

[§ 362 — MANUFACTURING PROGRAM TUITION AND FEE WAIVER](#)

Requires BOR to waive tuition and fees for Ansonia High School students who participate in certain manufacturing programs

[§ 363 — REGIONAL BOARD OF EDUCATION RESERVE FUNDS](#)

Increases the amount a regional board of education may deposit in a capital and nonrecurring expenditures reserve fund

[§ 364 — CT GROWN FOR CT KIDS GRANT](#)

Requires DoAg to administer a new CT Grown for CT Kids Grant Program to help boards of education develop farm-to-school programs; requires DoAg to convene an advisory committee to help the agency in awarding grants; requires DoAg to submit a legislative report evaluating the program, including how the money was spent

[§ 365 — OPEN CHOICE PROGRAM EXPANSION](#)

Expands the Open Choice Program for the 2022-23 school year under a pilot program for up to 50 students each from Danbury and Norwalk

[§§ 365 & 408-417 — SHEFF V. O'NEILL TECHNICAL CHANGES](#)

Makes a number of technical changes to conform the education statutes with Sheff v. O'Neill settlement agreements

[§§ 366-372 — EDUCATION PROGRAM GRANT CAPS](#)

Extends to FYs 22 and 23 the grant caps for seven programs; renews the bilingual education grant for FYs 22 and 23

[§ 373 — OFFICE OF FISCAL ANALYSIS MODELING OF THE EDUCATION FUNDING PROPOSAL](#)

Requires OFA to conduct an independent modeling of the education funding proposal described in SB 948 of the 2021 regular legislative session, as reported out of the Education Committee

[§§ 374 & 375 — MODEL CURRICULUM FOR GRADES K-8](#)

Requires SDE, in collaboration with SERC, to develop a K-8 model curriculum that boards of education may use

[§§ 376 & 377 — NATIVE AMERICAN STUDIES IN PUBLIC SCHOOLS](#)

Adds Native American studies to the public school social studies curriculum beginning in the 2023-24 school year

[§§ 378 & 379 — MINORITY TEACHER CANDIDATE CERTIFICATION, RETENTION OR RESIDENCY YEAR PROGRAM](#)

Creates the minority candidate certification, retention, or residency year program for teacher certification candidates; requires each alliance district to partner with a residency program operator to enroll minority candidates; requires SDE to (1) withhold from each alliance district 10% of any increase in alliance aid and (2) use the funds to cover program-related costs

[§ 380 — PLAN TO PROMOTE TEACHING AS A CAREER](#)

Requires the education commissioner and certain higher education officials to jointly develop a plan to help school boards promote teaching as a career option to high school students; requires SDE to distribute to school boards information that promotes the teaching profession

[§§ 381-383 — IMPLICIT BIAS AND ANTI-BIAS TRAINING VIDEO MODULE](#)

Requires SDE, by July 1, 2022, to develop an implicit bias and anti-bias video training module for school district personnel who hire teachers; requires board of education employees involved in, or responsible for, hiring teachers to complete the training starting on July 1, 2023

[§ 384 — STUDY OF MULTIPLE MEASURES TO DEMONSTRATE CONTENT MASTERY FOR TEACHER CERTIFICATION](#)

Requires SDE to study a multiple-measures approach to demonstrate content-area mastery of the content assessment requirement for teacher certification; requires SDE to submit a report with any recommendations to the Education Committee by January 1, 2023

§ 385 — BLACK AND LATINO STUDIES COURSE

Requires the high school course in Black and Latino studies, which by law must be offered in the 2022-2023 school year, to also be offered in each following school year

§ 386 — SOCIAL-EMOTIONAL LEARNING ASSESSMENTS

Allows each board of education to annually administer a social-emotional learning assessment to students beginning with the upcoming school year; requires parents and guardians to be given prior notice of the assessment and grant permission before the assessment is given

§ 387 — CONNECTICUT REMOTE LEARNING COMMISSION

Requires SDE to establish a commission to analyze and provide recommendations about (1) remote learning for K-12 public school students and (2) the feasibility of establishing a statewide remote learning school

§ 388 — STATEWIDE REMOTE LEARNING SCHOOL PLAN

Requires SDE to develop a plan to create and implement a K-12 statewide remote learning school

§ 389 — REMOTE LEARNING AUDIT

Requires SDE to audit public school boards' provision of remote learning in the 2019-20 and 2020-21 school years due to the COVID-19 pandemic

§§ 390-393 — TECHNICAL & CONFORMING CHANGES

Makes minor and conforming changes mostly related to remote learning terminology

§§ 394-404 — READING CURRICULUM MODELS, CENTER FOR LITERACY, AND RELATED READING PROGRAMS

Creates a new Center for Literacy Research and Reading Success with the authority to generally require school districts to use certain reading curricula; transfers certain reading-related duties from SDE to the center; establishes a Reading Leadership Implementation Council to develop and publish the center's annual goals; adds a definition of reading to several laws; expands access to the intensive reading instruction program to any alliance district; requires the education commissioner to submit an evaluation of the literacy center to the Education and Appropriations committees

§ 405 — ANTI-DISCRIMINATION LAW

Expands the education anti-discrimination law to provide that children have equal opportunity to participate without discrimination based on disability; modifies the definition of race in the same law by conforming it to state human rights law, thus adding hair and hairstyles

§§ 406 & 407 — PROFESSIONAL DEVELOPMENT FOR BLACK AND LATINO STUDIES COURSE

Requires SERC to provide technical assistance for teacher professional development and in-service training on teaching the Black and Latino studies course; allows school districts to accept grants and gifts for the professional development and training

[§ 418 — PER-STUDENT GRANT FOR REGIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY EDUCATION \(VO-AG\) CENTERS](#)

Increases, by \$1,000, the per-student state grant for vo-ag centers

[§§ 419-421 — BIRTH-TO-THREE PROGRAM](#)

Generally expands the Birth-to-Three program by including certain children who turn age three during the summer to conform with PA 21-46; extends certain group and individual health insurance coverage to these children

[§§ 422-425 — CORPORATION BUSINESS TAX](#)

Extends the 10% corporation business tax surcharge to the 2021 and 2022 income years; delays the start date of the capital base tax phase-out by three years and extends the phase-out period

[§§ 426 & 427 — R&D TAX CREDITS](#)

Increases the cap on the amount of R&D tax credits corporations may claim each year from 50.01% to 70% of their annual tax liability, phased in over two years, and limits the number of years that taxpayers may carry forward unused R&D tax credits

[§ 428 — INVEST CT TAX CREDIT CAP](#)

Increases the aggregate cap on Invest CT tax credits by \$200 million

[§ 429 — FILM AND DIGITAL MEDIA PRODUCTION TAX CREDIT](#)

Allows film and digital media production tax credits to be claimed against the sales and use tax under certain conditions

[§ 430 — EARNED INCOME TAX CREDIT](#)

Increases the EITC from 23% to 30.5% of the federal credit

[§ 431 — CHILD TAX CREDIT PLAN](#)

Requires the OPM secretary to create a plan to establish a state-level child tax credit if certain changes to the federal child tax credit occur

[§ 432 — PROPERTY TAX CREDIT AGAINST THE INCOME TAX](#)

Extends, to the 2021 and 2022 tax years, the limits on eligibility for the property tax credit against the personal income tax

[§ 433 — INCOME TAX EXEMPTIONS FOR CERTAIN RETIREMENT INCOME](#)

Phases out, over four years starting with the 2023 tax year, the income tax on income from IRAs, other than Roth IRAs, for taxpayers with qualifying incomes; clarifies that teachers who qualify for the general pension and annuity exemption may take either the teacher pension exemption or the general pension and annuity exemption, whichever is greater

[§ 434 — ADMISSIONS TAX](#)

Eliminates the admissions tax beginning July 1, 2021, for all places of amusement, entertainment, or recreation except movie theaters

[§ 435 — SALES AND USE TAX EXEMPTION FOR BREASTFEEDING SUPPLIES](#)

OLR PUBLIC ACT SUMMARY

Exempts breast pumps and certain related parts, supplies, kits, and repair services from the sales and use tax beginning July 1, 2021

§ 436 — REVENUE FROM SALES AND USE TAX ON MEALS

Allows certain businesses to keep the sales tax they collect on sales of meals during one of three specified weeks in FY 22

§ 437 — ALCOHOLIC BEVERAGES TAX ON BEER

Beginning July 1, 2023, decreases the excise tax on beer (other than beer for off-premises consumption sold on premises covered by a manufacturer's permit) from \$7.20 per barrel to \$6 per barrel

§§ 438-443 — CREDIT CARD SERVICE FEES

Generally requires state agencies accepting credit, debit, or charge card payments to charge payors a service fee for doing so and disclose the fee before imposing it

§§ 444-449 — MUNICIPAL REVENUE SHARING ACCOUNT PROGRAM

For FYs 22 and 23, requires (1) motor vehicle property tax grants to be paid from appropriations rather than from MRSA, (2) PILOTs to be paid from appropriations and any remaining part due from MRSA, and (3) specified amounts to be transferred from MRSA to the General Fund; expands the PILOTs paid from MRSA to include existing payments to specified municipalities; modifies the statutory formula for calculating motor vehicle property tax grants

§§ 445 & 446 — PILOT PROGRAM

Makes taxing districts eligible for state, municipal, and tribal property PILOTs; increases, from 45% to 100%, the reimbursement rate for Connecticut Port Authority property and certain tribal property; modifies the minimum PILOT grant amounts municipalities and districts must receive beginning in FY 22

§ 450 — DRS TAX AMNESTY PROGRAM

Requires DRS to establish a tax amnesty program that gives eligible taxpayers that owe Connecticut state taxes a 75% reduction in the interest that would otherwise be due

§ 451 — TRANSFER TO THE TOURISM FUND

Requires the comptroller to transfer specified amounts from the General Fund to the Tourism Fund for FYs 21 and 22

§ 452 — GAAP DEFICIT

Deems that \$1 is appropriated in FYs 22-23 to pay off the state's GAAP deficit for FYs 13 and 14

§ 453 — TRANSFER OF AMERICAN RESCUE PLAN ACT FUNDS TO GENERAL FUND

Requires the comptroller to transfer specified federal ARPA funds to the General Fund for FYs 22 and 23

§§ 454-458 — PUBLIC ASSISTANCE LIENS

Expands restrictions on placing liens to recover public assistance and deems additional previously filed claims released as of FY 22; adds a notification requirement and filing deadline to the process of administering certain small estates to recover state claims

[§ 459 — SALES AND USE TAX EXEMPTIONS FOR BEER MANUFACTURERS](#)

Extends specified manufacturing-related sales and use tax exemptions to beer manufacturers that are not otherwise eligible because they manufacture beer at a facility that also makes substantial retail sales

[§§ 460 & 461 — SUPPLEMENTAL COLLAPSING FOUNDATION LOAN PROGRAM](#)

Allows banks without a physical presence in Connecticut to make program loans and allows banks to charge higher closing costs for program loans made to condominium or common interest ownership associations

[§§ 462-468 — AMBULATORY SURGICAL CENTERS](#)

Beginning July 1, 2023, replaces the 6% gross receipts tax on ASCs with a 3% net revenue tax on ASC services, subject to certain exclusions; extends to the ASC net revenue tax the same administrative requirements that apply under existing law to the hospital provider tax and nursing home and ICF-ID user fees

[§§ 469-474 & 482-484 — CHANGES TO FY 22-23 BOND AUTHORIZATIONS](#)

Modifies various state general obligation bond authorizations for FYs 22 and 23 that were included in the biennial bond act (PA 21-111)

[§§ 475 & 488 — ECONOMIC ACTION PLAN PROJECTS](#)

Eliminates provisions in PA 21-111 requiring that a portion of the funds available for the state's Economic Action Plan be reserved for projects meeting specified criteria; allows the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, ARPA funds, and available resources to provide grants for selected major projects to implement the state's Economic Action Plan

[§ 476 — TRS EXEMPTION FOR REEMPLOYED TEACHERS](#)

Extends, until June 30, 2024, an exemption that allows certain retirees receiving a TRS pension to return to teaching without salary limits

[§ 477 — RESIDENTIAL FACILITIES FOR PEOPLE WITH CERTAIN DISABILITIES AND FACILITIES RECEIVING FLAT RATES](#)

Requires DSS to base FY 22 and 23 rates on FY 21 rates adjusted for inflation for (1) private residential facilities and other facilities serving individuals with certain disabilities and (2) community living arrangements and residential care homes that have their rates determined on a flat rate basis; allows DSS to provide fair rent increases in certain circumstances

[§§ 479-481 — UCONN 2000 INFRASTRUCTURE PROGRAM](#)

Reduces bond authorizations in PA 21-111 by \$55.1 million for two existing UConn 2000 Phase III projects at the UConn Health Center

[§§ 485 & 486 — CONNECTICUT BABY BOND PROGRAM](#)

Modifies the Connecticut Baby Bond Trust program established in PA 21-111 by, among other things, subjecting the bonds issued for the program to the standard Bond Commission approval process

[§§ 487 & 490 — CHANGES TO SCHOOL CONSTRUCTION GRANTS](#)

Repeals three school construction grant waivers provided by PA 21-111 and modifies the waiver for another

[§ 489 — AWARDING SCHOOL CONSTRUCTION CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES](#)

Delays, until July 1, 2022, changes to the law on awarding contracts for construction management services and maintains the selection criteria required by current law until then

[§ 492 — REPEALER](#)

Repeals a provision requiring SDE to develop a plan for a grade K-12 statewide virtual school

[§ 493 — REPEALER](#)

Repeals laws that establish the Higher Education Coordinating Council and a pilot program for people who are receiving temporary family assistance program benefits and participating in the Jobs First program

[§§ 494 & 497 — ASSORTED HIGHER EDUCATION AND JOB TRAINING REPEALERS](#)

Repeals certain laws relating to higher education certificate and workforce programs; DOL, OWC, and CETC duties; and the Workforce Training Authority

[§ 496 — NOTIFICATION REQUIREMENT FOR SMALL ESTATES](#)

Eliminates a new notification requirement and filing deadline to the process of administering certain small estates to recover state claims when a person supported or cared for by the state dies

§ 1 — COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION ALLIANCE LOAN CONVERSION

Requires DOH to convert a loan made to the Community Development Financial Institution Alliance for a revolving loan fund to a grant

The act requires the Department of Housing (DOH) to convert a loan made to the Community Development Financial Institution Alliance for a revolving loan fund to a grant. The loan was made with funds the State Bond Commission authorized on September 27, 2002.

The law authorizing the state to assist community housing development corporations in creating revolving loan funds to assist developers with constructing, rehabilitating, or renovating existing or planned low- and moderate-income housing requires such funds to be created from a loan's proceeds (CGS § 8-218). But it also allows community housing development corporations to use state grants for various other purposes, including (1) planning and financing costs and (2) making, or creating a revolving loan fund to finance making, units accessible to people with disabilities.

EFFECTIVE DATE: Upon passage

§ 2 — USE OF BOND PREMIUMS

Delays by two years, from July 1, 2021, to July 1, 2023, the requirement that the treasurer direct bond premiums on GO and credit revenue bonds to an account or fund to pay for previously authorized capital projects

The act delays by two years, from July 1, 2021, to July 1, 2023, the requirement that the treasurer direct bond premiums on general obligation (GO) and credit revenue bond issuances to an account or fund to pay for previously authorized capital projects. (A bond premium is the extra, up-front payment investors make in exchange for a higher interest rate on the bonds.) Prior law required the treasurer to direct the bonds premiums as follows:

1. until July 1, 2021, bond premiums (as well as accrued interest and net investment earnings on bond proceed investments) were directed into the General Fund after paying bond issuance costs and interest on state debt and
2. beginning July 1, 2021, bond premiums, net of any original issue discount, and after paying the issuance costs, were directed to an account or fund to pay for previously authorized capital projects.

The act delays this requirement to July 1, 2023, thus requiring the treasurer to continue directing bond premiums to the General Fund (after paying bond issuance costs and interest on state debt) until then.

EFFECTIVE DATE: July 1, 2021

§§ 3-5 — DOMESTIC WORKERS

Broadens the categories of written information that employers must provide to certain domestic workers when they are hired; requires the labor commissioner to establish a domestic workers education and training grant program

The act broadens the written information that employers must provide to certain domestic workers when they are hired to include things such as job duties and whether the employer will charge fees for room and board.

The act also requires the labor commissioner to establish a domestic workers education and training grant program to provide grants to qualified organizations to, among other things, educate domestic workers about various labor laws.

“Domestic workers” under the act are employees who are paid or told they will be paid to perform work of a domestic nature in or about a private dwelling. This includes housekeeping; home management; childcare; laundering; meal preparation; home companion services; caretaking of sick, convalescing, or elderly individuals; and other household services for the dwelling’s occupants or their guests. They do not include irregular or intermittent babysitters or personal care attendants providing personal care assistance to consumers in state-funded programs, including the:

1. acquired brain injury Medicaid waiver program,
2. personal care assistance Medicaid waiver program,

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3. Connecticut Home Care Program for the Elderly,
4. pilot program to provide home care services to disabled persons, and
5. Department of Developmental Services' individual and family support waiver program and comprehensive waiver program.

EFFECTIVE DATE: October 1, 2021

Employer Notice Requirement

By law, employers must advise their employees in writing when they are hired about their pay rate, hours of employment, and pay schedule (CGS § 31-71f). The act requires employers to additionally provide domestic workers, upon hire, with written information about:

1. their job duties and responsibilities;
2. the availability of sick leave, rest days, vacation, personal days, and holidays, whether paid or unpaid, and the accrual rate of those days;
3. whether the employer may charge fees or costs for board and lodging and, if so, their amount; and
4. how to file a complaint about a violation of the worker's rights.

Grant Program

The act requires the labor commissioner to establish a domestic workers education and training grants program to issue grants to qualified organizations to provide:

1. education and training for domestic workers and employers about the laws on minimum wage, overtime, sick leave, recordkeeping, wage adjudication, retaliation, and the act's notice requirement;
2. online resources for domestic workers and their employers about state laws and regulations related to domestic workers; and
3. technical and legal assistance for domestic workers and employers through legal service providers.

Under the act, a "qualified organization" eligible for the grants must be either (1) a nonprofit organization that has at least five years of experience working with domestic workers or (2) an organization that works with a nonprofit organization that has at least five years of experience advocating for domestic workers or other low-wage workers. A nonprofit organization is a 501(c)(3) tax-exempt organization.

The act allows the commissioner to enter into an agreement, under the state's laws for state consultants and personal service agreements, with a third-party person, firm, or corporation to administer the grant program. It also requires the commissioner to create guidelines needed to administer the grants, in consultation with the third-party it contracts with, if applicable.

§ 6 — CALL CENTERS

Establishes (1) notice requirements for call centers that relocate from Connecticut to another country and makes them ineligible to receive state financial support for five years and (2) in-state

OLR PUBLIC ACT SUMMARY

requirements for state contractors who perform state business-related call center and customer service work

The act establishes notice requirements for certain call centers that relocate from Connecticut to a foreign country and makes them ineligible to receive state financial support for five years after the relocation. They must also repay the value of any state financial support they received over the previous five years. The act applies to call centers that employ at least 50 employees to staff a call center who (1) work at least 20 hours per week or have been employed by the center for at least six months or (2) work at least 1,500 hours in the aggregate (excluding overtime) per week. “Call centers” are facilities or operations through which employees receive phone calls or electronic communications to provide customer assistance or service.

The act also establishes certain in-state requirements for state contractors who perform state-business-related call center and customer service work.

EFFECTIVE DATE: October 1, 2021

Call Center Relocations

Notice Requirement. The act requires call centers that intend to relocate to another country to notify the labor commissioner at least 100 days before doing so. This applies to relocations of call center facilities or operations that comprise at least 30% of a call center’s or operating unit’s average total call volume over the previous 12 months.

The act subjects violators of the notice requirement to a civil penalty of up to \$10,000 per day for each violation, but allows the commissioner to reduce the penalty for just cause.

Loss of State Financial Support. The act requires the labor commissioner to compile an annual list of each call center whose relocation was subject to the notice requirement. She must make the list publicly available and prominently display a link to it on the Department of Labor website.

Under the act, a call center on the list:

1. is ineligible for direct or indirect state grants, state guaranteed loans, state tax benefits, or other state financial support for five years after the list’s publish date and
2. must remit the unamortized value of any state grant, guaranteed loan, state tax benefit, or other state financial support it received in the five-year period before it was placed on the list.

The act allows the commissioner, in consultation with the appropriate agency, to waive the ineligibility for state financial support and the remittance requirement if the call center shows that imposing them would threaten state or national security, result in substantial job loss in the state, or harm the environment.

State Contractor Requirements

The act requires each state agency head to ensure that for all new contracts or

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agreements entered into on or after October 1, 2021, all state business-related call center and customer service work is performed by state contractors, or other agents or subcontractors, entirely within the state. If any of these entities perform work outside the state and add customer service employees who will perform work under the new contracts or agreements, the act requires that the new employees be immediately employed within Connecticut. In addition, a business subject to a contract or agreement before October 1, 2021, with terms that extend beyond October 1, 2023, must meet these in-state requirements for renewal of its contract.

Other Provisions

The act also specifies that it does not:

1. prevent an employer from receiving a grant to provide training or other employment assistance to people who particularly need them due to the call center's relocation;
2. allow withholding or denying payments or other compensation or benefits provided by law (e.g., unemployment benefits, disability payments, or worker retraining or readjustment funds) to workers of employers that relocate to a foreign country; or
3. create a private cause of action against a call center that violates the act's provisions.

§ 7 — PAID FAMILY MEDICAL LEAVE BOND REPAYMENT

Requires the Paid Family and Medical Leave Insurance Authority, starting in FY 23, to begin repaying funds spent from bond authorizations allocated to it under a plan established by the OPM secretary

The act requires that any funds spent from bond authorizations allocated to the Paid Family and Medical Leave Insurance Authority to administer the Family and Medical Leave Insurance Program be reimbursed to the General Fund under a plan to be established by the Office of Policy and Management (OPM) secretary in consultation with the state treasurer.

Under the act, this plan must have a repayment schedule that provides for the authority's repayment of the debt service deemed attributable to the bond authorizations. The repayment must start during FY 23 and continue until it is complete, according to the plan's terms, although the authority may repay unpaid amounts earlier.

EFFECTIVE DATE: Upon passage

§ 8 — BOARD OF REGENTS REPORTING ON SYSTEM OFFICE STAFF AND FINANCES

Requires BOR to annually report on its system office and finances

The act requires the Board of Regents for Higher Education (BOR), starting

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by January 1, 2022, to annually submit a report on its system office staff and finances to the Higher Education and Employment Advancement and Appropriations committees. The report must include the:

1. methods used to allocate the current fiscal year's General Fund block grants to institutions and the total amount each institution will receive over the fiscal year and
2. amount of non-General Fund revenues transferred for the prior fiscal year from each institution to the system office for any purpose, including the methods used to determine the transferred amounts and a description of each purpose.

The report must also include a list of the institutional staff or faculty who were temporarily stationed or assigned new duties at the system office during the prior fiscal year, including which budget (i.e., institutional or system office) each individual's personal services costs were drawn from. Additionally, it must include each individual's (1) title at the institution and the system office, (2) system office duties, and (3) total time stationed at or reassigned to the system office.

EFFECTIVE DATE: October 1, 2021

§ 9 — VOLUNTEER FIRE DEPARTMENT TRAINING GRANTS

Requires the state fire administrator to annually award a grant to distressed municipalities to cover the cost of certification and recruit training for their volunteer fire departments

The act requires the state fire administrator to annually award a grant, beginning in FY 22, to any distressed municipality with a volunteer fire department to cover the cost of providing Firefighter I certification and recruit training at regional fire schools. The grant amount must equal the product of the (1) average number of enrolled volunteer firefighters in the distressed municipality and (2) average cost of the certification and training program at a regional fire school. (Presumably, the average cost is for the preceding four years, as described below.)

Additionally, the act imposes two reporting requirements relating to the grant. First, it requires each distressed municipality's volunteer fire department chief to report to the state fire administrator by January 1, 2022, and annually thereafter, on the yearly average number of volunteer firefighters who enrolled in Firefighter I certification and recruit training during the preceding four years, excluding 2020. Second, it requires the state fire administrator to report to the Appropriations Committee, by February 1, 2022, and annually thereafter, on the (1) chiefs' annual reports on the four-year average of enrolled firefighters and (2) average Firefighter I certification and recruit training program cost at a regional fire school.

EFFECTIVE DATE: July 1, 2021

§ 10 — STATE EMPLOYEES RETIREMENT SYSTEM CONTRIBUTION

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Requires the state's required contribution to SERS to account for the surplus funds transferred from the Budget Reserve Fund to SERS

By law, the State Retirement Commission, which oversees the State Employees Retirement System (SERS), must annually certify the actuarially determined amount that the state must contribute to maintain the pension fund on an actuarial reserve basis. This contribution is based on an actuarial valuation of the system's assets and liabilities that the commission must prepare at least once every two years.

Regardless of these requirements, the act prohibits the commission from finalizing the valuation or certifying the amount needed to maintain the pension fund until the valuation and certification account for the funds is deemed appropriated to the fund under the Budget Reserve Fund (BRF) surplus law.

Under that law, once the BRF reaches the 15% statutory maximum, the treasurer must transfer any remaining General Fund surplus, as he determines to be in the state's best interests, to reduce either the State Employee Retirement Fund's or Teachers' Retirement Fund's unfunded liability by up to 5%. He may use any amounts that remain after that for additional payments to either retirement system or to pay off other state debt (CGS § 4-30a(c)).

EFFECTIVE DATE: July 1, 2021

§§ 11-14 — JUDICIAL COMPENSATION

Increases the salary and other compensation for judges and certain other judicial officials by approximately 4.5% starting in FY 22

Starting in FY 22, the act increases the following by approximately 4.5%: (1) salaries for judges, family support magistrates, family support referees, and judge trial referees; (2) additional amounts that certain judges receive for performing administrative duties; and (3) salaries of certain officials whose compensation, by law, is determined in relation to a Superior Court judge's salary or state referee's per-diem rate.

EFFECTIVE DATE: Upon passage

Judicial Salaries

The table below shows the act's changes to judicial salaries starting in FY 22.

Judicial Salaries

Position	Prior Salary	Salary Starting July 1, 2021 (FY 22)
Supreme Court chief justice	\$206,617	\$215,915
Chief court administrator (if a judge)	198,545	207,480
Supreme Court associate judge	191,178	199,781
Appellate Court chief judge	189,063	197,571

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Position	Prior Salary	Salary Starting July 1, 2021 (FY 22)
Appellate Court judge	179,552	187,663
Deputy chief court administrator (if a Superior Court judge)	176,277	184,209
Superior Court judge	172,663	180,460
Chief family support magistrate	150,314	157,078
Family support magistrate	143,060	149,498
Family support referee	223/day*	233/day*
Judge trial referee	259/day*	271/day*

*Plus expenses, mileage, and retirement pay

Administrative Judges

The law provides judges extra compensation, in addition to their annual salaries, for taking on certain administrative duties. The judges who receive this additional amount are (1) the appellate system's administrative judge; (2) each judicial district's administrative judge; and (3) each chief administrative judge for (a) facilities, administrative appeals, the judicial marshal service, or judge trial referees, and (b) the Superior Court's family, juvenile, criminal, or civil divisions. The act increases these additional annual payments from \$1,177 to \$1,230 starting July 1, 2021 (i.e., FY 22).

Related Increases

The act's provisions also result in salary, rate, or maximum compensation increases for other officials or judges whose compensation is tied to those of Superior Court judges or judge trial referees. Specifically:

1. the salaries of workers' compensation commissioners vary depending on experience and are tied to those of Superior Court judges (CGS § 31-277);
2. the salaries of probate court judges vary depending on probate district classification, and range from 45% to 75% of a Superior Court judge's salary (CGS § 45a-95a);
3. senior judges receive the same per-diem rates as judge trial referees (CGS §§ 51-47b(a) & 52-434b);
4. the probate court administrator's salary is the same as that of a Superior Court judge (CGS § 45a-75); and
5. the maximum compensation a retired judge may receive is equal to the highest annual salary during the fiscal year for the judicial office the judge held at retirement (CGS § 51-47b(b)).

§§ 15-19 — COVERED CONNECTICUT

Establishes the Covered Connecticut program to provide fully subsidized health insurance coverage for eligible individuals, including dental benefits and non-emergency medical transport;

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allows OHS to apply for a 1332 waiver to advance the program's purpose; requires DSS to apply for a 1115 Medicaid demonstration waiver to support the program

The act establishes the Covered Connecticut program within the Office of Health Strategy (OHS) to reduce the state's uninsured rate by providing premium and cost-sharing subsidies to eligible individuals. OHS must administer the program in consultation with the Department of Social Services (DSS) commissioner, the Insurance Department commissioner, and the Connecticut Health Insurance Exchange (i.e., Access Health CT).

EFFECTIVE DATE: Upon passage

Covered Connecticut Program (§ 16)

As part of the program, OHS must provide premium and cost-sharing subsidies that are sufficient to ensure fully subsidized coverage for the following eligible people:

1. on and after July 1, 2021, parents and needy caretaker relatives, and their tax dependents that are 26 or younger, who are eligible for premium and cost-sharing subsidies for a qualified health plan (QHP), but over-income for Medicaid and (a) have household income up to 175% of the federal poverty level (FPL) and (b) are covered by a silver-level health plan offered on the exchange and
2. on and after July 1, 2022, all parents and needy caretaker relatives, as well as nonpregnant low-income adults, between ages 18 and 64 who are eligible for QHP premium and cost-sharing subsidies, but over-income for Medicaid and who (a) have household income up to 175% of FPL and (b) are covered by a silver-level health plan offered on the exchange.

No earlier than July 1, 2022, OHS must also provide dental benefits and non-emergency medical transportation services, as those services are provided under Medicaid, for the people described in (2) above.

OHS must establish procedures to reimburse health carriers quarterly for the premium and cost-sharing subsidies described above.

The act specifies that any benefits or subsidies provided to people through the Covered Connecticut program are not income for state income tax purposes.

Beginning by January 1, 2022, every six months OHS must report a description of Covered Connecticut's operations, finances, and progress made for the preceding six months to the Appropriations, Human Services, and Insurance and Real Estate committees.

1332 Waiver (§ 16)

Subject to legislative approval, the act allows OHS to seek a Section 1332 waiver to advance the Covered Connecticut program purposes. If approved by the federal government, OHS must implement the waiver. (A 1332 waiver is named after an authorizing section of the federal Affordable Care Act (ACA) and allows a state to waive certain ACA requirements that might otherwise prohibit it from implementing certain programs, such as essential health benefits or marketplace

functions.)

Before seeking a 1332 waiver, the act requires OHS to submit a report to the Appropriations, Human Services, and Insurance and Real Estate committees with the proposed waiver. Within 30 days after the submission, these committees must hold a joint public hearing on the proposed waiver, separately vote to approve or reject it, and advise OHS of their decisions. If any committee takes no action within 30 days, the waiver is deemed rejected.

Medicaid Demonstration Waiver (§§ 17 & 18)

The act requires the DSS commissioner to seek a Section 1115 Medicaid demonstration waiver to apply for federal funds to support the Covered Connecticut program. The act requires her to (1) consult with the insurance commissioner and OHS for the waiver and (2) implement it once approved by the federal Centers for Medicare and Medicaid Services (CMS). Medicaid demonstration waivers are intended to approve experimental, pilot, or demonstration projects that promote the objectives of the Medicaid program.

By law, before submitting a waiver application to CMS, DSS must submit the waiver application to the Appropriations and Human Services committees. For the Section 1115 waiver required under the act, DSS must also submit the application to the Insurance and Real Estate Committee. By law, and under the act, the committees must hold a public hearing no later than 30 days after receiving the application and advise the DSS commissioner of their approval, disapproval, or modifications of the application.

§§ 20 & 21 — LOCAL HEALTH DEPARTMENT AND DISTRICT FUNDING

Requires the Department of Public Health to increase payments to municipal and district health departments starting in FY 22

The act increases funding to local and district health departments as follows: (1) from \$1.18 to \$1.93 per capita for municipal health departments and (2) from \$1.85 to \$2.60 per capita for district health departments.

By law, to qualify for this funding, among other things, (1) municipalities must have a full-time health department and a population of at least 50,000 and (2) health districts must have a total population of at least 50,000 or serve three or more municipalities.

EFFECTIVE DATE: July 1, 2021

§§ 22-27 — INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY

Transfers the IMRP from Central Connecticut State University to UConn

The act transfers the financial assets of the Institute for Municipal and Regional Policy (IMRP) from the Connecticut State University System to UConn. It also transfers IMRP's records, files, and intellectual property and copyright rights from Central Connecticut State University to UConn.

The act also makes several conforming changes.
EFFECTIVE DATE: October 1, 2021

§ 28 — PRIMARY CARE DIRECT SERVICES PROGRAM

Requires, rather allows, DPH to establish a program providing grants to community-based primary care providers, and requires DPH to do so within available resources

The act requires, rather than allows, the Department of Public Health (DPH) to establish a program providing three-year grants to community-based primary care providers to expand access to care for the uninsured. DPH must do so by January 1, 2022. The act requires the department to establish the program within available resources (see *Background*); prior law allowed it to establish the program within available appropriations.

Under existing law, the grants may be used for, among other things, (1) funding for direct services and (2) providing loan repayment to primary care clinicians (e.g., family practice physicians, pediatricians, advanced practice registered nurses, and physician assistants) and registered nurses who meet program requirements.

EFFECTIVE DATE: July 1, 2021

Background — Related Act

PA 21-35, § 21, requires DPH, in FY 22 and within available appropriations, to implement the state loan repayment program for community-based providers in primary care settings.

§§ 29-31 — SOLNIT CHILDREN'S CENTER LICENSURE

Requires Solnit Children's Center's hospital and psychiatric residential treatment facility units to obtain DPH licensure and the DPH commissioner to adopt regulations regarding the facilities' licensure

The act requires the (1) Albert J. Solnit Children's Center's hospital and psychiatric residential treatment facility units ("South Campus") to obtain licensure from the Department of Public Health (DPH) and (2) DPH commissioner to adopt regulations regarding the licensure of these psychiatric residential treatment facilities. Under the act, a "psychiatric residential treatment facility" is a nonhospital facility with an agreement with the Department of Social Services to provide inpatient services to Medicaid-eligible individuals under age 21.

The act allows the DPH commissioner to implement policies and procedures about the licensure of the Solnit Center's psychiatric residential treatment facilities while it adopts the regulations, so long as (1) notice of intent to adopt regulations is published on the eRegulations System within 20 days after the implementation date and (2) the policies and procedures are consistent with the proposed regulations. Under the act, these policies and procedures are valid until

the final regulations are adopted.

EFFECTIVE DATE: April 1, 2022

§ 32 — OFFICE OF THE UNEMPLOYED WORKERS' ADVOCATE

Requires the labor commissioner, within available appropriations, to establish the Office of the Unemployed Workers' Advocate within DOL to assist unemployed people

The act requires the labor commissioner, within available appropriations, to establish the Office of the Unemployed Workers' Advocate within the Department of Labor (DOL) to assist unemployed people. It requires the commissioner, by October 1, 2021, to designate an "unemployed workers' advocate," who serves at the pleasure of the commissioner, to manage the office's daily activities and duties. The advocate must have expertise and experience in unemployment benefits and advocacy for unemployed people's rights, among other qualifications. The advocate must, within available appropriations, appoint and employ the assistants, employees, and personnel needed to effectively and efficiently run the office.

The act allows the Office of the Unemployed Workers' Advocate to:

1. help unemployed people (a) seeking unemployment benefits, (b) understand their rights and responsibilities related to unemployment benefits, and (c) file unemployment benefit appeals;
2. provide information to the public, state agencies, legislators, and others about unemployed people's problems and concerns, and make recommendations for resolving them;
3. analyze and monitor the development and implementation of federal, state, and local laws, regulations, and policies related to unemployed people, and recommend changes to the appropriate governmental entity;
4. receive and review unemployed people's complaints and make recommendations for resolving them to the labor commissioner;
5. access an unemployed person's prior employment records as allowed by state and federal law;
6. establish and maintain a website and a toll-free number, or other free calling option, that allows unemployed people to access the office's services and information; and
7. take any other actions needed to fulfill the act's purposes.

EFFECTIVE DATE: Upon passage

§ 33 — BROWNFIELD REMEDIATION GRANT FOR PRESTON

Requires DECD to pay Preston a \$7 million grant for brownfield remediation

The act requires the Department of Economic and Community Development (DECD) to pay Preston a \$7 million grant for brownfield remediation. DECD must pay the grant from the Brownfield Remediation and Revitalization Program grants authorized under the 2020 bond act (PA 20-1).

PA 20-1 earmarked \$7 million of the total \$30 million authorization for a

grant to Preston. The State Bond Commission allocated the earmarked funds at its July 2020 meeting, but it required that they be held in escrow and used only for pending remediation work after a cost-efficient remediation plan is instituted.

EFFECTIVE DATE: Upon passage

§ 34 — OPEN EDUCATIONAL RESOURCE (OER) COORDINATING COUNCIL CARRYFORWARDS

Exempts unexpended operating funds of the OER Coordinating Council from lapsing at the end of each fiscal year

Unless specifically authorized, all unexpended state appropriations lapse at the end of the fiscal year. The act exempts from this requirement appropriations for Connecticut Open Educational Resource Coordinating Council operating funds.

By law, the council must establish a program to lower the cost of textbooks and course materials for high-impact courses (i.e., those with high (1) student enrollment or (2) prices for required materials) at state higher education institutions.

EFFECTIVE DATE: July 1, 2021

§ 35 — AMERICAN RESCUE PLAN ACT REPORTING

Requires OPM to collect data on ARPA spending and submit to the Appropriations Committee the interim and quarterly reports due to the federal government; requires separate quarterly reports to the Appropriations Committee on funds for higher education constituent units, UConn, and the judicial branch

The act requires the Office of Policy and Management (OPM) secretary to collect data on the use of funds by each executive branch agency and each private entity that receives an allocation, under the act or under the budget act, for funds the state received under the Coronavirus State Fiscal Recovery Fund established by the American Rescue Plan Act of 2021 (P.L. 117-2).

It requires the OPM secretary to submit to the Appropriations Committee the (1) interim report due on August 31, 2021, and (2) quarterly Project and Expenditure Reports, that must be submitted to the United States Treasury.

The act also requires reporting by the:

1. Board of Regents for Higher Education (as to the regional community-technical colleges, the Connecticut State University System, and Charter Oak College);
2. UConn Board of Trustees (as to UConn); and
3. Chief Court Administrator (as to judicial branch state agencies).

In each case, they must report quarterly to the Appropriations Committee beginning by October 1, 2021, through April 1, 2024, on a full accounting of funding allocated under the act. The reports must include (for each constituent unit, UConn, or each judicial branch agency, as appropriate) the (1) total amount of funds received, (2) programmatic or other permitted purposes for which they were used, and (3) amount of funds used for each program or purpose.

EFFECTIVE DATE: Upon passage

§§ 36 & 37 — COMMUNITY HEALTH WORKER GRANT PROGRAM

Requires DPH to establish a program providing grants, through FY 23, to community action agencies that employ community health workers providing services to people adversely affected by COVID-19; directs \$6 million of the state's federal funding to the program

The act requires DPH to establish a program to provide grants, through FY 23, to community action agencies that employ community health workers who provide services to people adversely affected by the COVID-19 pandemic. The act allows DPH to enter into a personal service agreement with an outside person, firm, corporation, or other entity to operate the program.

The 2021 budget act allocated \$3 million per year in FYs 22 and 23 to DPH for community health workers, from the state's federal funding under the American Rescue Plan Act of 2021 (ARPA). This act specifies that these funds are for the community health worker grant program. It limits each grant to \$30,000 annually and total program grants to \$6 million.

Among other related provisions, the act requires DPH to:

1. establish criteria for grant eligibility;
2. publish on its website a notice of grant availability, including the eligibility criteria, for the period from the act's passage until June 30, 2023; and
3. report on the program by January 1, 2022, and again by January 1, 2024, to the Public Health and Human Services committees.

EFFECTIVE DATE: Upon passage

Application and Review Process

Under the act, each community action agency applying for a program grant must apply in a form and manner the DPH commissioner prescribes. The application must include:

1. the location of the applicant's principal place of business,
2. the number of community health workers the applicant employs or seeks to employ and their range of services,
3. an explanation of the grant's intended use, and
4. such other information that the commissioner deems necessary.

DPH must review all applications and determine which are eligible for funding, using criteria it establishes.

DPH Reporting

Under the act, by January 1, 2022, the DPH commissioner must report to the Public Health and Human Services committees on the program's progress and any required legislative proposals to accomplish the program's goals.

By January 1, 2024, the commissioner must report again to the same committees on:

1. the number and amount of program grants provided;
2. which community action agencies received grants;
3. the intended use of each grant, as described in the applications; and
4. the number of community health workers employed by each grant recipient and information on the workers' services, (a) when the agency received the grant and (b) upon the program's conclusion.

Definitions

The act defines a "community action agency," as under existing law, as a public or private nonprofit agency that has previously been designated by, and authorized to accept funds from, the federal Community Services Administration for community action agencies under the Economic Opportunity Act of 1964 or a successor agency established under law.

A "community health worker" is a public health outreach professional with an in-depth understanding of a community's experience, language, culture, and socioeconomic needs. These workers provide a range of services, including outreach, engagement, education, coaching, informal counseling, social support, advocacy, care coordination, research related to social determinants of health, and basic screenings and assessments of any risks associated with these determinants.

§ 38 — CEMETERY RETORT AIR POLLUTION EXCEPTION

Temporarily prohibits the DEEP commissioner from requiring retort relocation or installation of air pollutant control technology on certain cemetery property

The act prohibits the DEEP commissioner, notwithstanding state air pollution control law and regulation, from imposing certain requirements on permittees seeking to replace a retort (i.e., chamber where cremation occurs) that constitutes or is part of a stationary air emission source located on certain cemetery property. Specifically, she may not require relocating an associated stack or installing best available control technology for any hazardous air pollutant. The restriction applies to a property that (1) has at least 250 acres, (2) is on the National Register of Historic Places, and (3) was established before 1865. The permittee must also replace the retort by October 1, 2023.

EFFECTIVE DATE: Upon passage

§ 39 — STATEWIDE OPIOID CLAIM

Authorizes the attorney general to enter into agreements concerning any statewide opioid claim

The act authorizes the attorney general to enter into agreements on claims the state asserts, or could assert, concerning opioid manufacturing, marketing, distributing, selling, or related activities (i.e., "statewide opioid claims"). Under the act, these agreements may include an agreement to compromise, release, waive, or otherwise settle the claim, on behalf of the state and any political subdivisions. The act prohibits claimants from asserting any statewide opioid claim for which the state has entered into such an agreement.

EFFECTIVE DATE: Upon passage

§§ 40-50 — RADIATION & RADIOACTIVE MATERIAL REGULATION

Expands DEEP's authority to regulate radiation sources

The act expands the DEEP commissioner's authority to regulate radiation sources. It does so by requiring her to adopt specific regulations on sources of ionizing radiation and radioactive materials, instead of only general regulations needed to carry out prior law's ionizing radiation sources provisions. Under the act, "radioactive materials" means any solid, liquid, or gas that spontaneously emits ionizing radiation.

By requiring the commissioner to adopt regulations on radioactive materials sources, the act allows for the state to pursue "agreement state status" from the U.S. Nuclear Regulatory Commission (NRC). "Agreement state status" authorizes states to assume NRC responsibility for regulating and licensing byproduct materials (radioisotopes), source materials (uranium and thorium), and certain amounts of special nuclear materials. NRC remains responsible for regulating nuclear power plants (e.g., Millstone); uses of nuclear material, such as in nuclear medicine; and nuclear waste.

To hold agreement state status there must be, among other things, an agreement between the governor of the state and the NRC chairman and supporting legislation and regulations. (Governor Lamont submitted a letter of intent to become an agreement state to the NRC in December 2020.)

Under the act, the required regulations must include provisions on such things as (1) regulating ionizing radiation and radioactive materials sources; (2) planning for, and responding to, emergency events; (3) recognizing other state or NRC licenses; and (4) setting fees, which must be deposited into the General Fund. The act also requires the commissioner to review other state agency regulations and procedures on radiation sources for consistency.

The act prohibits certain actions with respect to radioactive materials and extends existing penalties to those actions. It authorizes the commissioner to address exposure hazards and contamination from radiation and makes those responsible for the contamination liable for cleanup costs and expenses.

The act also makes many minor, conforming, and technical changes, including several to effectuate the transition to agreement state status. Some of these changes include (1) updating the state's atomic energy policy to include cooperation with NRC and other states for uniformity of radiation laws and regulations, and in administering and enforcing them (§ 49), and (2) generally aligning definitions with corresponding federal law (§§ 40 & 46; see 42 U.S.C. § 2014).

EFFECTIVE DATE: October 1, 2021

DEEP Regulatory Authority (§§ 40-42 & 50)

General Regulations. The act requires the commissioner to adopt regulations on sources of both ionizing radiation and radioactive materials. Under the act, she

must adopt regulations that are:

1. needed to (a) secure “agreement state status,” pursuant to § 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, and (b) carry out the state radiation and radioactive materials law;
2. related to (a) constructing, operating, controlling, tracking, securing, or decommissioning ionizing radiation sources, including modifying or altering them, and (b) producing, transporting, using, storing, possessing, managing, treating, disposing of, or remediating radioactive materials;
3. related to planning for, and responding to, actual or potential terrorist or other emergency events that involve or may include radioactive materials (see “Guidelines,” below);
4. for reciprocating recognition of specific licenses issued by NRC or another “agreement state status” state; and
5. concerning fees to license ionizing radiation sources that, with certain existing registration fees, are enough to administer, implement, and enforce an ionizing radiation program.

Other Agency Regulations. The act requires the commissioner to consult with and review the regulations and procedures of other state agencies on radiation sources for consistency and to prevent unneeded duplication, inconsistencies, or gaps in the requirements.

Licensing. Prior law authorized the commissioner to, through regulation, use general or specific licenses for ionizing radiation sources. The act instead requires her to do so and allows her to (1) issue, deny, renew, modify, suspend, or revoke a license and (2) include terms and conditions in licenses as she deems necessary.

By law, ionizing radiation includes gamma rays, x-rays, alpha and beta particles, neutrons, protons, high-speed electrons, and other atomic or nuclear particles, but not sound or radio waves, or visible, infrared, or ultraviolet light.

Guidelines. The act allows the commissioner to establish radiation exposure guidelines for first responders and the public to manage emergencies involving radioactive materials. The guidelines must be compatible with recommendations from the federal government and the National Council on Radiation Protection and Measurements.

Outside Experts. The act allows the commissioner, in addition to the governor as allowed under prior law, to hire necessary consultants, experts, and technicians to investigate and report on matters related to implementing the state’s radiation and radioactive materials law.

Prohibited Acts (§§ 43 & 45)

Existing law prohibits the following actions related to ionizing radiation sources unless the source is exempt or properly licensed or registered: using, manufacturing, producing, transporting, transferring, receiving, acquiring, owning, or possessing. The act expands the prohibited actions to include constructing, operating, or decommissioning. It also explicitly prohibits failing to register a source.

The act prohibits the following actions with respect to radioactive materials,

unless done in compliance with the law and any associated regulation, regulation, or license: producing, transporting, storing, possessing, managing, treating, remediating, distributing, selling, installing, repairing, or disposing.

The act extends existing penalties for violations of the state's radioactive materials laws to these prohibited acts. By law, unchanged by the act, the commissioner may, among other things, issue cease and desist orders. She may also, through the attorney general, seek injunctive relief related to violations or probable violations. Someone who knowingly commits certain actions or commits certain actions with criminal negligence is subject to fines, imprisonment, or both (CGS §§ 22a-158a to -158c).

The act also makes anyone who negligently or knowingly violates (1) the radiation and radioactive materials law's prohibited acts; (2) requirements for registration, licensing, and record keeping; or (3) requirements tied to the new regulations, including any associated regulation or order, liable to the state for reasonable costs. This includes costs to (1) detect, investigate, control, and abate the violation and (2) restore natural resources to their former condition, if practicable and reasonable. If restoration is not practicable or reasonable, the person is liable for damage caused by the violation. By law, a lawsuit to recover damages, costs, and expenses, does not prevent other remedies.

Radiation Contamination Remediation (§ 44)

Commissioner Actions. The act authorizes the DEEP commissioner to take actions she deems necessary to protect human health and the environment if someone (1) causes or is responsible for certain exposures or contamination related to radioactive material and (2) does not immediately act to prevent, stop, or remedy it to the commissioner's satisfaction. She may investigate, monitor, abate, contain, mitigate, or remove an actual or potential hazard, pollution, or contamination and may contract with anyone to address it.

This applies to the following:

1. an actual or potential exposure hazard from radioactive materials, radioactive waste, or an ionizing radiation source or
2. actual or potential pollution or contamination of natural resources (e.g., land, air, water) due to a discharge, spill, uncontrolled loss, release, leak, seep, or filtration of radioactive material or radioactive waste.

The act allows the commissioner to take the same actions if the responsible person is unknown and the actual or potential hazard, pollution, or contamination is not being addressed by the federal government, a state agency, a municipality, or a regional or interstate authority.

Liability to the State. The act makes anyone who causes or is responsible for the exposure hazards, pollution, or contamination (or potential ones) described above, liable for the costs and expenses incurred by the commissioner to address the situation. It includes the costs and expenses for restoring the natural resources, attorney's fees, court costs, and other legal expenses. The act allows the commissioner to seek additional compensation or other relief from the court, including punitive damages.

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Under the act, if an actual or potential hazard, pollution, or contamination is due to the action, or failure to act, of multiple people, each is jointly and severally liable. If the commissioner requests it, the act requires the attorney general to bring a civil action to recover costs and expenses, including those from related contractual obligations, from the responsible persons.

If the responsible party is unknown, the act requires the commissioner to ask the federal government to assume the contractual obligations to the extent allowed under federal law.

Liability to an Individual. Under certain circumstances, the act entitles individuals who prevent, abate, contain, remove, or mitigate an actual or potential exposure hazard, pollution, or contamination, as described above, to reimbursement of the reasonable costs of doing so. This applies when the actual or potential exposure, pollution, or contamination was due to someone's negligent, reckless, knowing, or intentional action or failure to act. If more than one person is responsible, each person is jointly and severally liable.

§ 51 — REDDING SPECIAL TAXING DISTRICT

Specifies how district voting is handled when (1) a municipality is eligible to cast a vote or (2) a vote is tied

The act amends the governing special act for a special taxing district in Redding, established to clean up and redevelop contaminated property and provide municipal services.

As under prior law, people and entities that own land in the district, among others, may vote at district meetings. The act specifies who casts the vote in situations where a municipality is an eligible voter.

Under the act, a municipality's vote is cast by the person authorized to vote by:

1. the board of selectmen in a town that does not have a charter, special act, or home rule ordinance relating to its form of government;
2. the council, board of aldermen, representative town meeting, board of selectmen, or other elected legislative body described in a charter, special act, consolidation ordinance, or home rule ordinance relating to the form of government in a city, consolidated town and city, consolidated town and borough, or town; or
3. the board of burgesses or other elected legislative body in a borough.

The act also stipulates how tied votes are handled. Under the act, the deciding vote is cast by the property owner holding the greatest share of real property, calculated by land mass area, in the district.

EFFECTIVE DATE: Upon passage

§ 52 — FREE PHONE CALLS FOR INMATES

Moves up the implementation date, from October 1, 2022, to July 1, 2022, for requiring DOC to provide free phone services to inmates and generally makes inmates eligible to use phone services for at least 90 minutes per day

PA 21-54, § 1, requires the Department of Correction (DOC) to provide voice communication services (“phone services”) for inmates in correctional facilities. It allows the commissioner to supplement phone services with other telecommunications services, including video communication and email. Any communication service the commissioner provides must be free of charge to the inmates and to the people who initiate or receive the communication.

This act moves up the implementation date, from October 1, 2022, to July 1, 2022. It also makes the corresponding date change for the provisions prohibiting the state from receiving revenue for these phone or telecommunications services.

Under the act, each inmate is eligible to use phone services for at least 90 minutes each day he or she is confined as long as providing these services does not interfere with the facility’s standard operations.

EFFECTIVE DATE: Upon passage

§ 53 — PHONE CALLS SUPPLANTING VISITATION FOR YOUTH

Delays the effective date of PA 21-54, § 2, from upon passage to July 1, 2022, which, among other things, prohibits CSSD from supplanting in-person visits with other communication services (e.g., phone calls) for children detained in juvenile detention facilities

PA 21-54, § 2, requires the judicial branch’s Court Support Services Division (CSSD) to provide phone services for children detained in a juvenile detention facility. Among other things, it prohibits the CSSD executive director from supplanting in-person contact visits with phone or other communication services the child may be eligible to receive. This act delays the effective date of that provision from upon passage to July 1, 2022.

EFFECTIVE DATE: Upon passage

§§ 54-57 — PUBLIC HIGHER EDUCATION INSTITUTION GRADUATION FEE BAN

Prohibits assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, Charter Oak State College, or UConn

The act prohibits BOR from assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, or Charter Oak State College. It also prohibits UConn’s board of trustees from assessing these fees to UConn enrolled students.

EFFECTIVE DATE: July 1, 2021

§ 58 — CONNECTICUT FOUNDATION SOLUTIONS INDEMNITY COMPANY (CFSIC) BOARD OF DIRECTORS

Specifies that the governor’s nonvoting CFSIC board appointee required under PA 21-120 is to be considered an ex-officio member under CFSIC’s bylaws

PA 21-120 requires the governor to appoint two members to the Connecticut

Foundation Solutions Indemnity Company (CFSIC) volunteer board of directors, one of whom must be a nonvoting ex-officio member. This act specifies instead that the non-voting appointee is to be considered an ex-officio member under CFSIC's adopted bylaws.

CFSIC is the captive insurance company created by law to distribute money to homeowners with concrete foundations that are deteriorating due to the presence of pyrrhotite.

EFFECTIVE DATE: July 1, 2021

§ 59 — GEOLOGICAL SOURCE REPORT (GSR) FOR AGGREGATE QUARRIES

Specifies the type of core sample analysis that must be done as part of the GSR requirement established in PA 21-120

PA 21-120 § 8 requires the operator of a quarry that produces concrete aggregate to prepare and quadrennially update a GSR and submit it to the state geologist and DEEP commissioner. It also establishes the GSR's minimum contents. One of the requirements was for the GSR to include core sample analyses completed by a qualified geologist, unless the commissioner waived the requirement.

The act amends this requirement by specifying that the analyses must be of representative core samples and evaluated through petrography.

EFFECTIVE DATE: July 1, 2021

§ 60 — CONCRETE AGGREGATE TESTING

Changes the concrete aggregate testing standards for quarries established in PA 21-120

Third-Party Testing Standard

PA 21-120, § 9, requires the operator of a quarry that sells or provides aggregate intended for use in concrete to at least annually provide a written report to the state with the results of a third-party test of the aggregate's sulfur content (total S) and further testing for pyrrhotite, if applicable. It required the third-party tester to be certified or accredited in accordance with the American Society for Testing Materials (ASTM) C33/C33M, Standard Specification for Concrete Aggregates.

The act changes the required testing standard to ASTM E1621, Standard Guide for Elemental Analysis by Wavelength Dispersive X-ray Fluorescence Spectrometry.

Additional Testing for Samples With Pyrrhotite

Under PA 21-120, § 9, if sample testing showed that pyrrhotite is present and the total S by mass is 0.1% or more but less than 1%, then DEEP's commissioner, in consultation with the state geologist, could require additional testing, including

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a mortar bar expansion test pursuant to ASTM C1293 (Standard Test Method for Determination of Length Change of Concrete Due to Alkali-Silica Reaction) or C227 (Standard Test Method for Potential Alkali Reactivity of Cement-Aggregate Combinations).

The act eliminates the specific tests the commissioner may require and instead allows her to require additional petrographic and materials testing. It correspondingly eliminates a requirement that any adopted regulations define “mortar bar expansion test.”

EFFECTIVE DATE: July 1, 2021

§ 61 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires the Legislative Commissioner’s Office to make necessary technical, grammatical, and punctuation changes when codifying the act

The act requires the Legislative Commissioners’ Office to make technical, grammatical, and punctuation changes as necessary to codify the act, including internal reference corrections.

EFFECTIVE DATE: Upon passage

§ 62 — ANALYSIS OF HOUSING FUNDING ALLOCATION AND SEGREGATION

Requires the OPM secretary to aggregate, analyze, and report on data related to existing state and federal housing programs and economic and racial segregation

The act requires the OPM secretary, within available appropriations, to aggregate and analyze data on state and federal housing programs to determine how they impact economic and racial segregation. Under the act, the analysis must include data on:

1. housing development programs,
2. housing affordability initiatives,
3. communities where low-income housing tax credits and rental assistance are spent, and
4. specific neighborhood racial and economic demographics.

Additionally, the act requires the OPM secretary to (1) use in the analysis measures such as the U.S. Census Bureau’s dissimilarity index and five dimensions of segregation and (2) submit a report with its analysis findings and recommendations to the Housing Committee by January 1, 2022, and then biennially.

EFFECTIVE DATE: Upon passage

§ 63 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS TO MUNICIPALITIES

Generally prohibits municipalities from receiving Mashantucket Pequot and Mohegan Fund grants if a public school or associated athletic team under its school board’s jurisdiction uses Native American names, symbols, or images without tribal consent

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Beginning in FY 23, the act generally makes municipalities ineligible for grants from the Mashantucket Pequot and Mohegan Fund if a school or associated intramural or interscholastic athletic team under its board of education's jurisdiction uses any of the following in its mascot, nickname, logo, or team name: a name, symbol, or image that depicts, refers to, or is associated with a Native American individual, custom, tradition, or state- or federally-recognized tribe.

However, the act allows these municipalities to retain their grant eligibility if the school or athletic team uses a name, symbol, or image that:

1. depicts or refers to a state- or federally-recognized tribe, and the specific tribe consents to it; or
2. is associated with a Native American individual, custom, or tradition, with the consent of a tribe that is either (a) historically associated with the school or team or (b) located in or associated with the school's geographic region.

The act additionally provides a grace period until FY 24 for municipalities that provide timely notification to the Office of Policy and Management (OPM), in a form and manner the OPM secretary determines, that (1) a covered school or team uses an otherwise-disqualifying name, symbol, or image that they intend to change or seek tribal consent to use and (2) includes the reason why the school or team has not changed it or sought such consent already.

The act requires that the tribe's consent be demonstrated in a form and manner determined by the OPM secretary. The consent must be in writing and include a tribal council resolution, an agreement between a tribal government and municipality, or a consent statement endorsed by a tribal government.

EFFECTIVE DATE: July 1, 2021

§ 64 — SHORT-TERM INVESTMENT FUND (STIF)

Allows the state treasurer to modify or suspend the contribution to the designated surplus reserve of the STIF in certain circumstances

The act allows the state treasurer to modify or suspend the contribution to the designated surplus reserve of the STIF when, in his discretion, market conditions warrant doing so for the fund's investors' best interests. Under the act, he may do so regardless of any other state law. The Office of the State Treasurer manages the STIF as an investment pool for money market instruments for state and municipal funds.

EFFECTIVE DATE: Upon passage

§ 65 — BEVERAGE CONTAINER RECYCLING GRANT PROGRAM

Establishes a grant program for new beverage container redemption locations in urban centers and environmental justice communities

The act requires DEEP to implement a beverage container recycling grant program to provide forgivable grants for new beverage container redemption

centers in urban centers and environmental justice communities lacking access to redemption locations. It establishes a beverage container recycling grant program account and DEEP must use all funds in it for the program's purpose.

Under the act, the DEEP commissioner must issue a grant application process by December 1, 2021. The act requires grant proceed distribution to occur on a rolling basis. It (1) caps the amount of an awarded grant at \$150,000 in any fiscal year and (2) limits the use of grant funds to (a) infrastructure, technology, and other costs associated with establishing a redemption center and (b) initial operational expenses.

The act requires grant recipients to provide DEEP with annual financial audits of their grant expenditures. If the DEEP commissioner finds that a grant was used for a purpose other than allowed under the act, she may require its repayment.

EFFECTIVE DATE: Upon passage

Program Recipients

Under the act, grant recipients must be from either an urban center (i.e., a municipality classified as a "regional center" under the state plan of conservation and development) or an environmental justice community. Under the state's environmental justice law, an environmental justice community is a (1) distressed municipality or (2) U.S. census block group for which at least 30% of the population consists of low-income people who are not institutionalized and have an income of less than 200% of the federal poverty level (CGS § 22a-20a).

The act requires that the program prioritize grants to (1) first-time redemption center owners and (2) centers that are locally-owned, minority-owned, or women-owned businesses. When awarding the grants, the DEEP commissioner or her designee must also consider the following:

1. current access to beverage container redemption locations,
2. walking distances to these locations,
3. public access to reliable transportation,
4. population density,
5. customer convenience,
6. redemption center technology used at a proposed center, and
7. volume of beverage containers sold in the applicable community.

Audit and Reporting

The act requires grant recipients, by October 1 annually and until all grant funds are expended, to provide the DEEP commissioner with a financial audit of their grant expenditures prepared by an independent auditor.

§ 66 — EXEMPTION TO FLOODPLAIN REQUIREMENTS FOR CERTAIN NORWICH PROPERTIES

Authorizes certain building spaces on three Norwich properties to be used for commercial or residential purposes regardless of requirements governing floodplains

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The act authorizes certain building spaces on three properties in Norwich (601, 603, and 609 Norwich Avenue) to be used for commercial or residential purposes regardless of (1) local zoning regulations and ordinances governing floodplains and (2) a statutory requirement that these regulations comply with National Flood Insurance Program (NFIP) requirements. (Under federal law, municipalities that fail to maintain or enforce regulations meeting the NFIP's minimum floodplain management requirements may be suspended from the federal flood insurance program (44 C.F.R. § 59.24).)

EFFECTIVE DATE: Upon passage

§ 67 — DDS WAITING LIST REPORT

Requires the DDS commissioner to annually report specified waiting list information to the Public Health and Appropriations committees

The act requires the Department of Developmental Services (DDS) commissioner to annually report to the Public Health and Appropriations committees on the number of individuals the department determines as eligible for DDS funding or services and who (1) have unmet residential care or employment opportunity and day service needs or (2) are eligible for DDS's behavioral services program and are waiting for funding.

As under existing law, the commissioner must also post this information on the department's website.

EFFECTIVE DATE: Upon passage

§ 68 — LEVEL OF NEED ASSESSMENT SYSTEM ADVISORY COMMITTEE

Establishes a 19-member committee to advise the DDS commissioner on the level of need assessment system

The act establishes a level of need assessment system advisory committee to advise the DDS commissioner on matters relating to the system.

The committee includes the DDS commissioner, or his designee, and 18 appointed members, as follows:

1. two each appointed by the House speaker and Senate president pro tempore;
2. one each appointed by the House and Senate majority and minority leaders; and
3. 10 appointed by the DDS commissioner, including (a) one each representing CT DDS Families First and The Arc Connecticut and (b) eight representing families with firsthand experience with individuals with composite scores of one to eight on DDS's level of need assessment and screening tool.

Under the act, the DDS commissioner must appoint a member to fill any vacancy of one year or more. When doing so, the commissioner must notify the appointing authority of his selection at least 30 days before making the appointment.

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The act requires the committee to (1) meet at least quarterly and (2) starting by January 1, 2022, annually report on its activities to the Public Health Committee.

The act (1) allows DDS to provide the committee with administrative support and (2) requires DDS to post the committee's meeting dates and minutes on the department's website.

EFFECTIVE DATE: Upon passage

§§ 69-74 — DEBT-FREE COMMUNITY COLLEGE AND ONLINE LOTTERY SALES REVENUE

Expands funding for the state's debt-free community college program from online lottery ticket sales revenue

The act makes several changes affecting the state's debt-free community college program (see *Background*) and online lottery ticket sales by the Connecticut Lottery Corporation (CLC). Principally, if certain conditions are met, it earmarks up to \$14 million in online lottery sales revenue for the program annually beginning in FY 24.

PA 21-23 established a framework by which CLC may, under a master wagering license, sell lottery tickets for lottery draw games through its website, online service, or mobile application. (This gaming activity is defined as "online lottery ticket sales" for the purposes of this act and other specific lottery statutes.) If CLC is so licensed, this act requires that all revenue from its online lottery ticket sales be deposited into an "online lottery ticket sales fund" that the corporation must establish to specifically collect that revenue, separate from all other CLC revenues.

The act requires the CLC president, on a weekly basis, to estimate and certify to the state treasurer the portion of the balance in this fund that exceeds the corporation's current needs for paying prizes and current operating expenses and funding its reserves. Under the act, CLC must transfer the certified amount to the General Fund or debt-free community college account (which the act establishes as a separate, non-lapsing account within the General Fund) after being notified that the state treasurer received the certification.

Specifically, for FYs 22 and 23, CLC must transfer the certified amounts to the General Fund. For FY 24 and each subsequent fiscal year, CLC must first transfer the certified amounts to the debt-free community college account until \$14 million has been transferred; any amounts exceeding that figure must be transferred to the General Fund.

In addition to CLC's transfers, the act requires that the debt-free community college account contain any money required by law to be deposited into it, including state appropriations for the debt-free community college program. It also requires BOR to spend the money in the debt-free community college account on the debt-free community college program.

Additionally, by January 1, 2023, July 1, 2023, January 1, 2024, and on each January 1 thereafter, the CLC president must report to BOR (1) the amount of revenue CLC received from online lottery ticket sales during the current fiscal

year and (2) an estimate of the amount to be deposited in the debt-free community college account from those sales during the next fiscal year.

The act also makes technical and conforming changes.

Background — Debt-Free Community College Program

The 2019 state budget implementer established a debt-free community college program for certain Connecticut high school graduates who enroll as first-time, full-time regional community-technical college students (PA 19-117, § 362).

EFFECTIVE DATE: July 1, 2021

§§ 75-76 — CRISIS INITIATIVE EXPANSION

Expands the CRISIS Initiative pilot program to Troop D and establishes a task force to study expanding it throughout the state

The act requires the State Police, in conjunction with the Department of Mental Health and Addiction Services (DMHAS), to expand the Connection to Recovery through Intervention, Support, and Initiating Services Initiative pilot program (i.e., CRISIS Initiative) to Troop D. Previously, the pilot program existed for Troop E.

Additionally, the act establishes an eight-member task force to study the costs and benefits of expanding the pilot program throughout the state. A statewide program would include, at a minimum, the pilot program's components requiring state police officer training, coordination between state police officers and mental health professionals, and referrals to mental health services facilities. The task force must consider input and recommendations from the pilot program's participants at Troop E, community stakeholders, and other interested parties.

Under the act, the task force must consist of:

1. the Department of Emergency Services and Public Protection (DESPP) and DMHAS commissioners, or their respective designees;
2. a member of the mental health services community, appointed by the House speaker;
3. a sworn member of the State Police, appointed by the Senate president;
4. a representative of the Connecticut Police Chiefs Association, appointed by the House majority leader;
5. a member of a board of directors at a hospital in the state, appointed by the Senate majority leader;
6. an emergency medical responder, emergency medical technician, advanced emergency medical technician, or paramedic, appointed by the House minority leader; and
7. a representative of Griswold PRIDE, appointed by the Senate minority leader.

Under the act, appointed members may be legislators. All initial task force appointments must be made by July 23, 2021, and any vacancy must be filled by the appointing authority.

The act requires the House speaker and the Senate president to select the task

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force's chairpersons from among its members. The chairpersons must schedule the task force's first meeting by August 22, 2021. The Public Safety and Security Committee's administrative staff must serve as the task force's administrative staff.

By January 1, 2022, the task force must submit a report on its findings and recommendations to the Public Safety and Security Committee. The task force terminates on the date that it submits its report or January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

§ 77 — FEE-FREE DAY

Requires BOR and BOT to jointly establish an annual "Fee-Free" Day

The act requires BOR and the UConn board of trustees (BOT) to jointly establish on November 1, or another date the boards jointly choose, an annual "Fee-Free Day."

Under the act, BOR and BOT cannot charge an application fee to any high school student who applies for admission to any public higher education institution governed by the boards on this day. The student must have already completed the Free Application for Federal Student Aid (FAFSA).

EFFECTIVE DATE: Upon passage

§§ 78-80 — GEOGRAPHIC INFORMATION SYSTEMS OFFICE

Creates a new GIS office within OPM and establishes a GIS information officer to oversee it and its staff; establishes a GIS Council to consult with the new officer on free and public GIS data

The act establishes a:

1. Geographic Information Systems (GIS) office within OPM and a GIS information officer position to oversee the new office and its staff and
2. Geographic Information Systems Advisory Council (GIS Council) to consult with the information officer on GIS matters, including making GIS data free and publicly available.

Under the act, the GIS information officer is generally responsible for coordinating GIS data collection and compilation, and its dissemination across the state to governmental entities and others. The act also makes the officer, or the officer's designee, a nonvoting member of the Connecticut Data Analysis Technology Advisory Board.

EFFECTIVE DATE: October 1, 2021

GIS Office and Officer

The act requires the OPM secretary to designate an employee to (1) serve as the GIS information officer and (2) oversee the new GIS office and its staff.

The act requires the officer to have (1) extensive knowledge of GIS and spatial data, analysis, and related technology and (2) experience in project

management, administration, policy development, coordinating services, and planning.

Under the act, the officer must establish goals for the office in conjunction with the GIS Council the act establishes (see below). The goals must be within the scope of the officer's powers and duties, which are to:

1. coordinate the collection and compilation of GIS data and disseminate it to state, local, and regional governmental entities and others across the state;
2. manage a geospatial data clearinghouse that is publicly accessible online through the Connecticut Open Data Portal;
3. support economic development efforts by making its data accessible;
4. provide training and outreach on its data;
5. administer the creation and acquisition of geospatial data, including aerial imagery and elevation and parcel information;
6. adopt geospatial data standards, guidelines, and procedures to ensure data consistency and quality; and
7. aggregate and organize existing data sets and create new ones.

GIS Advisory Council

The act establishes a GIS Council to consult with the information officer on matters regarding free and public GIS data (e.g., procurement, processing, storage, and distribution) and OPM's powers and duties regarding geospatial information systems under existing law (CGS § 4d-90).

The council must also (1) develop priorities, (2) annually create a five-year plan for the priorities, and (3) make recommendations to the information officer on the priorities and plan.

Under the act, the task force consists of fourteen members. It includes the information officer, or the officer's designee, who serves as the task force's chairperson; the chief data officer, or the officer's designee; and 12 appointed members, as shown in the table below.

Appointed Member Qualifications

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Qualifications</i>
Department of Energy and Environmental Protection commissioner	One	GIS expertise
Department of Transportation commissioner	One	GIS expertise
Department of Emergency Services and Public Protection commissioner	One	GIS expertise
Department of Public Health commissioner	One	GIS expertise

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Appointing Authority	Number of Appointments	Qualifications
Connecticut Association of Councils of Government chairperson	Two	GIS expertise, including acquiring aerial imagery and providing geographic information to municipalities; appointments must represent different regional councils of government
Connecticut Conference of Municipalities president	Two	Connecticut GIS network membership and GIS expertise; appointments must represent different municipalities
UConn president	One	UConn representative with experience providing the state's geospatial information, including statewide aerial imagery and elevation, to various constituencies
Public Utility Regulatory Authority chairperson	One	Public utility company representative
Planning and Development Committee chairpersons	One	Representative from a private company (but not public utility company) with commercial mapping expertise
Planning and Development Committee ranking members	One	Representative from a private company (but not public utility company) with commercial mapping expertise

The act sets members' terms at two years, or until the appointment of a qualified successor. Initial appointments must be made by January 1, 2022, and the appointing authorities fill vacancies, either for expired terms or for their unexpired portions. By March 1, 2022, and at least every two years after that, the chairperson must convene an advisory council meeting.

Connecticut Data Analysis Technology Advisory Board

The act makes the information officer, or the officer's designee, a non-voting member of the Connecticut Data Analysis Technology Advisory Board, which is a board within the Legislative Department that, among other things, advises state government and municipalities on data policy.

Prior law required the board's eight voting members to have professional experience or academic qualifications in data analysis, management, or policy, or related fields. The act adds that they may qualify based on experience or qualification in GIS.

§ 81 — STUDY OF EQUITY IN STATE GOVERNMENT PROGRAMS AND ACTIONS

Requires CHRO to oversee a study of equity in state government programs and actions; requires DAS, in consultation with CHRO and OPM, to hire a consultant to conduct the study; specifies the

study's required components and requires its submission to the GAE Committee by February 15, 2023

The act requires the Commission on Human Rights and Opportunities (CHRO) to oversee a study of equity in state government programs and actions. It requires the Department of Administrative Services (DAS), in consultation with CHRO and OPM, to issue a request for proposals (RFP), by October 1, 2021, to hire a national consultant with qualitative and quantitative research expertise to conduct the study and make recommendations. The deadline to receive proposals must be no more than 75 days from the RFP's issue date.

The act requires CHRO, in consultation with DAS and OPM, to:

1. develop proposal evaluation criteria, including the (a) anticipated cost and timeline for completion and (b) consultants' relevant experience;
2. evaluate the submitted proposals and select a consultant by February 1, 2022; and
3. submit the study's findings and any legislative recommendations to the Government Administration and Elections Committee by February 15, 2023.

EFFECTIVE DATE: Upon passage

Study Components

Best Methods to Assess Equity and COVID-19 Impacts. The act requires the selected consultant to examine the best methods to assist state agencies in assessing equity with respect to race, national origin, ethnicity, religion, income, geography, sex, gender identity, sexual orientation, and disability from those methods identified in the federal Office of Management and Budget's 2021 study on this topic. In doing so, they must determine whether these methods are appropriate for assessing state agency policies and actions or, if not, what alternative methods would be more appropriate for use at the state level.

Additionally, the consultant must identify the best methods to help state agencies assess the barriers to equity for underserved communities experiencing negative COVID-19-related economic and health impacts. The consultant must consider recommending legislation to create pilot programs to test model assessment tools (and to assist state agencies in doing so).

The consultant must complete this work consistent with applicable law and in consultation with DAS, CHRO, and OPM.

Barriers to Equity in State Programs and Policies. The act requires the selected consultant, in consultation with the agencies listed above and each executive branch department head, to:

1. evaluate each state agency's key programs and policies, as identified by each department head, to assess any systemic barriers that underserved communities and their members face in accessing benefits and opportunities available under those programs and policies;
2. analyze potential barriers underserved communities and individuals may face in enrolling in and accessing benefits and services in state programs;
3. evaluate existing inequities or barriers in department programs or policies

that were revealed or worsened by COVID-19; and

4. evaluate whether new policies, regulations, or guidance documents are necessary to advance equity in state agency actions or programs.

In doing so, the consultant, department heads, and CHRO must consult with members of communities that are historically underrepresented in state government and underserved by, or subject to discrimination in, state policies and programs. Department heads must evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with community-based and civil rights organizations.

Definitions

Under the act, “equity” and “equitable” mean efforts, regulations, policies, programs, standards, processes, and any other government functions or principles of law and governance intended to:

1. identify and remedy past and present patterns of discrimination, inequality, and disparities for protected classes under state law;
2. ensure that these intentional or unintentional patterns are not reinforced or perpetuated; and
3. prevent the emergence and persistence of foreseeable future patterns of discrimination against, or outcome disparities for, these protected classes.

“Underserved communities” means populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as Black, Latino, and Indigenous and Native American people; Asian Americans and Pacific Islander and other people of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer people; people with disabilities; people who live in rural areas; and people otherwise adversely affected by persistent poverty or inequality.

§ 82 — PA 21-43 EXEMPTION

Exempts from PA 21-43’s requirements renewable energy projects that are under contract with another entity and approved by the relevant regulatory authority before January 1, 2022

PA 21-43 requires renewable energy project developers to meet certain requirements if their project meets certain criteria (e.g., it begins construction after July 1, 2021, and has a generating capacity of at least two megawatts (MW)). This act exempts from PA 21-43’s requirements projects that are under contract with another entity and approved by the relevant regulatory authority, as applicable, before January 1, 2022. (PA 21-43 also exempts projects (1) selected in a competitive solicitation conducted by the Department of Energy and Environmental Protection or an electric distribution company (i.e., Eversource or United Illuminating) and (2) approved by the Public Utilities Regulatory Authority before January 1, 2022.)

Under PA 21-43, developers of covered projects must generally (1) establish a workforce development program, (2) enter into a community benefits agreement

if the project has a nameplate capacity of at least five MW, and (3) ensure that the contractors and subcontractors on the project meet certain criteria. In addition, (1) construction workers on covered projects must be paid wages and benefits at least equal to those required under the state's prevailing wage law and (2) operations, maintenance, and security employees in any building or facility created in the project must be paid wages and benefits that are at least equal to those required under the state's standard wage law.

EFFECTIVE DATE: July 1, 2021

§ 83 — CONTRACTS BETWEEN HEALTH CARRIERS AND PARTICIPATING HEALTHCARE PROVIDERS

Requires health carriers to provide 90-days' notice before changing certain participating provider contracts and allows providers to appeal any changes

Existing law generally requires health carriers to (1) timely notify participating providers of any material change to the contract between them and (2) define a "material change" and what is considered timely notice of one.

For contracts entered into, renewed, or amended on or after July 1, 2022, between a health carrier and participating healthcare providers, the act requires the:

1. health carrier (or its intermediary) to disclose all provider manuals and policies incorporated by reference, in addition to other provisions and documents incorporated by reference as under existing law, and
2. health carrier to provide 90-days' written notice of any change to these materials or documents that will result in a material change to the contract or policies a provider must follow under it.

Additionally, these contracts must include provisions:

1. disclosing the 90-day advance written notice requirement;
2. disclosing what is considered a material change; and
3. affording participating providers a right to appeal proposed changes to contract provisions or other documents, provider manuals, or policies that must be disclosed.

EFFECTIVE DATE: October 1, 2021

§ 84 — BACKGROUND CHECK FEE WAIVERS FOR VOLUNTEER FIRE AND AMBULANCE ORGANIZATIONS

Exempts volunteer fire and ambulance organizations from fees on certain background check services and prohibits requiring proof of insurance before waiving the fees

The act extends to (1) volunteer fire companies and departments and (2) volunteer ambulance services and companies, an existing fee waiver for certain background check services conducted by DESPP. By law, federal, state, and municipal agencies are already exempted from these fees. The fees for services that DESPP must waive are as follows:

1. name search, \$36;
2. fingerprint search, \$75;

3. personal record search, \$75;
4. letters of good conduct search, \$75;
5. bar association search, \$75;
6. fingerprinting, \$15; and
7. criminal history record information search, \$75.

The act prohibits the DESPP commissioner from requiring these volunteer fire and ambulance organizations to provide proof of insurance before waiving the fees.

EFFECTIVE DATE: July 1, 2021

§ 85 — ELECTION MONITOR

Requires the secretary of the state to contract with an individual to serve as an election monitor in Bridgeport for the 2021 municipal election and 2022 state election

For the 2021 municipal election and the 2022 state election, the act requires the secretary of the state to contract with an individual to serve as an election monitor in any municipality with a population of at least 140,000, according to the most recent State Register and Manual (i.e., Bridgeport). The election monitor's purpose is to detect and prevent irregularity and impropriety within the municipality in managing election administration procedures and conducting the election.

Specifically, the monitor must (1) conduct inspections, inquiries, and investigations of any duty or responsibility required by state election law and carried out by a municipal official or his or her appointee and (2) immediately report to the secretary of the state any irregularity or impropriety discovered. Toward that end, the act requires that the election monitor have access to all records, data, and material maintained by, or available to, any such municipal official or appointee.

The act (1) specifies that the election monitor is not a state employee and (2) requires the secretary of the state to contract with an individual to serve in this capacity until December 31, 2022, unless the secretary terminates the contract for any reason before that date. The election monitor must be compensated in accordance with the contract and reimbursed for necessary expenses. Costs related to the election monitor's service must be paid from funds appropriated to the secretary of the state for that purpose. The municipality must provide the monitor with office space, supplies, equipment, and services necessary to properly carry out his or her duties.

The act specifies that it does not prohibit the State Elections Enforcement Commission (SEEC) from exercising its authority. By law, SEEC, among other things, investigates alleged election law violations, inspects campaign finance records and reports, refers evidence of violations to the chief state's attorney or the attorney general, and levies civil penalties for elections violations.

EFFECTIVE DATE: Upon passage

§ 86 — LEGISLATIVE ARPA ALLOCATIONS

OLR PUBLIC ACT SUMMARY

Specifies that the requirement for the legislature to approve ARPA allocations applies to both partial and final allocations; requires OPM to notify the Appropriations Committee when it is determined that such an approval is not allowable under federal guidance

SA 21-1 requires that allocations of funding from the federal American Rescue Plan Act of 2021 (ARPA) be authorized by a public or special act of the legislature. This act specifies that the requirement applies to both partial and final allocations of ARPA funds.

The act also requires the OPM secretary to immediately notify the Appropriations Committee whenever it is determined that a legislative ARPA allocation is not allowable under guidance from the federal government. The secretary's notice must include the reason for the determination and the allocation's specific amount and recipient.

EFFECTIVE DATE: Upon passage

§§ 87-91 — ELECTRONIC SYSTEM FOR TRANSMITTING VOTER REGISTRATION APPLICATIONS

Requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved and NVRA-compliant electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless an applicant declines to apply for admission

By law, the Department of Motor Vehicles (DMV) commissioner must include a voter registration application as part of each application for a driver's license, driver's license renewal, or an identity card. Similarly, voter registration agencies (see *Background*) must include a voter registration application with each service or assistance application, recertification, renewal, or change of address. Public higher education institutions must distribute mail voter registration application forms.

The act requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless the applicants decline to apply for admission. The system must also comply with the National Voter Registration Act (NVRA). (In practice, DMV must already do this under a memorandum of understanding (MOU) between the agencies (see *Background*).)

The act also makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the changes affecting voter registration agencies and public higher education institutions are effective January 1, 2022.

Eligibility Verification

By law, voter registration forms include a statement that specifies each eligibility requirement and an attestation that the applicant meets each requirement (CGS § 9-20). The act allows DMV, voter registration agencies, and public higher education institutions to waive attestation for any requirement for which they can verify an applicant's eligibility independently through a federally

approved identity verification program or through other acceptable evidence. The electronic system may provide for transmittal of applicants' signatures on file with DMV, a voter registration agency, or public higher education institution, as applicable, to the secretary of the state.

The act prohibits DMV, voter registration agencies, and public higher education institutions from processing voter registration applications using the electronic system if they determine that an individual applying for a credential, service, or assistance is not a U.S. citizen. If they cannot determine whether the individual is a U.S. citizen, then the applicant must attest to his or her citizenship before these entities may process the voter registration application through the electronic system.

Transmittal

Under the act, if DMV determines that an applicant for a new driver's license or renewal, or for an identity card (i.e., "DMV credential"), meets each eligibility requirement for admission as an elector, then the commissioner must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. Similarly, if a voter registration agency or public higher education institution determines that an applicant for assistance or services meets each eligibility requirement for admission as an elector, then the agency or institution must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. In all cases, the application must be transmitted to the registrar of voters in the municipality where the individual resides.

Address Changes

The act additionally requires DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes for voter registration purposes. Under the act, the electronic system (1) may provide for the transmittal of an applicant's signature, on file with DMV, to the secretary of the state and (2) must comply with NVRA requirements.

If DMV uses such a system, the secretary of the state may (1) prescribe alternative procedures for sending required information to electors who are removed from the registry list because they have moved out of town and (2) waive the requirement that registrars send the mail-in voter registration form to these electors.

Background

Voter Registration Agencies. The NVRA requires covered states to designate as voter registration agencies (1) all offices that provide federal or state public assistance, (2) all offices that provide state-funded programs primarily engaged in providing services to individuals with disabilities, and (3) Armed Forces recruitment offices. States must also designate additional voter registration

agencies, which may include (1) state or local offices such as public libraries or schools, fishing and hunting license bureaus, or unemployment compensation offices or (2) with their agreement, federal or nongovernmental offices (52 U.S.C. § 20506).

NVRA. The NVRA (P.L. 103-31) generally requires states to offer eligible citizens the opportunity to register to vote by:

1. applying as part of a driver's license application or renewal;
2. sending a mail-in application; or
3. applying in person at a designated voter registration agency, including offices providing public assistance or services to individuals with disabilities.

The requirements apply to federal elections; however, in practice, states such as Connecticut have extended the procedures to state and local elections.

MOU. Connecticut began implementing an automatic voter registration (AVR) system under a 2016 MOU between the Office of the Secretary of the State and DMV requiring that the system be fully implemented by August 7, 2018. Under the MOU, the AVR system must, among other things:

1. establish a schedule and method for DMV to electronically provide registrars of voters with the records of individuals who apply for or renew a DMV credential (i.e., driver's license or identity card) and
2. provide a way for (a) records transmitted by the system to constitute a completed voter registration application, and (b) registrars of voters to register applicants to vote unless an applicant is ineligible to do so, declines registration, or does not attest to meeting all voter eligibility requirements.

The MOU prohibits DMV from electronically transmitting through the AVR system the records of individuals who (1) were issued a DMV credential but were not U.S. citizens at the time of issuance or (2) have a "drive only" license, indicating that they cannot establish their legal presence in the U.S. or may not have a Social Security number.

§ 92 — E-SIGNATURE SYSTEM FOR ELECTIONS FORMS

Requires the secretary of the state to implement an e-signature system for most elections-related forms and applications

The act requires the secretary of the state to develop and implement one or more systems through which she may allow individuals to submit an electronic signature to sign elections-related forms and applications, other than those for campaign finance purposes. It gives the secretary the discretion to determine the forms or applications included in the system. Under the act, any form or application with such an electronic signature appearing on it is deemed to have the original signature.

The act requires state agencies to provide any information to the secretary, upon her request, that she deems necessary to maintain the system. The secretary

may use this information only for purposes of the elections-related e-signature system.

EFFECTIVE DATE: Upon passage

§ 93 — DISTRIBUTING VOTER REGISTRATION INFORMATION AT HIGH SCHOOLS

Requires registrars of voters to annually distribute voter registration information at public high schools

The act requires the registrars of voters to annually distribute information, on the fourth Tuesday in September, at each public high school about the qualifications and procedures for registering to vote. Under the act, registrars and the high school principal must determine the best distribution method.

By law, registrars must hold a voter registration session between January 1 and the last day of school in each public high school in their municipality. In regional school districts, registrars of each member municipality hold the sessions on a rotating basis.

EFFECTIVE DATE: Upon passage

§ 94 — TIME OFF TO VOTE

Requires employers to give an employee two hours of unpaid time off for state elections and certain special elections if he or she requests it in advance

The act requires employers, through June 30, 2024, to give an employee two hours of unpaid time off from his or her regularly scheduled work on the day of a regular state election to vote, if the employee requests it in advance. In the case of a special election for a U.S. Senator, U.S. Representative, state senator, or state representative, the requirement applies only to employees who are already electors. In both cases, the time off must occur during regular voting hours (i.e., from 6:00 a.m. to 8:00 p.m.), and the employee must make the request at least two working days before the election.

By law, Connecticut conducts Election Day Registration (EDR) during regular, but not special, elections (see *Background*). Therefore, under the act, it appears that employees who are not yet electors may take time off to register to vote through EDR for a regular state election, if qualified, and then vote.

EFFECTIVE DATE: Upon passage

Background — EDR

Connecticut conducts EDR during regular state and municipal elections. Under EDR, a person may register to vote and cast a ballot on election day if he or she meets the eligibility requirements for voting in Connecticut and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality (CGS § 9-19j).

§ 95 — VOTERS WITH DEVELOPMENTAL DISABILITIES

Eliminates the ban on mentally incompetent people being admitted as electors

The act eliminates the ban on mentally incompetent people being admitted as electors. It keeps existing law's procedure for determining voting competency at the request of a person's guardian or conservator. Under this procedure, a person's guardian or conservator may file a petition in probate court to determine his or her competency to vote in a primary, election, or referendum. The court must hold a hearing within 15 days after the filing date, which must receive priority for trial (CGS § 45a-703).

EFFECTIVE DATE: Upon passage

§§ 96-98 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY

Eliminates the forfeiture of convicted felons' electoral privileges (i.e., voting rights) if they are committed to confinement in a community residence; restores these privileges to convicted felons who are on parole or special parole or confined in a community residence

Forfeiture of Electoral Privileges (§ 97)

By law, a person forfeits his or her right to be an elector, and all accompanying electoral privileges (i.e., the right to vote, run for public office, and hold an office), upon conviction of a felony and commitment to a state or federal prison. The act eliminates a requirement that these people forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside of Connecticut) for confinement in a community residence (e.g., halfway house, group home, or mental health facility).

The act also specifies that if a person regains his or her electoral privileges after forfeiture, he or she must again forfeit them upon returning to confinement in a correctional institution or facility from:

1. parole or special parole;
2. release to (a) an educational program or work, (b) a community residence, (c) a zero-tolerance drug supervision program, (d) home confinement for certain motor vehicle and drug offenses, or (e) a community-based nursing home for palliative and end-of-life care; or
3. specified furloughs granted at the commissioner's discretion (e.g., to permit attendance at a relative's funeral or to obtain medical services not otherwise available).

Notice to Secretary of the State and Registrars of Voters (§ 96)

The act makes conforming changes to monthly reports that the (1) DOC commissioner must send to the secretary of the state and (2) secretary must transmit to registrars of voters. Under prior law, the commissioner had to send the

secretary a list by the 15th of each month of all people convicted of a felony and committed to DOC custody in the previous calendar month for confinement in a correctional institution, facility, or community residence. The secretary then sent the list to the registrars of voters in towns where (1) the people resided at the time of their conviction or (2) she believed they may have been electors.

The act (1) eliminates the requirement that the DOC commissioner's report include a list of these people committed for confinement in a community residence and (2) requires that it also include a list of people returned to confinement in a correctional institution or facility for violating the terms of their parole, special parole, release, or furlough, along with the date and nature of these violations (see above).

The act makes conforming changes to the information the secretary must provide registrars of voters by similarly requiring her to notify registrars in towns where (1) people returned to confinement resided at the time of their parole, special parole, release, or furlough violation (as applicable) or (2) she believes they may be electors.

By law, after sending a written notice by certified mail to the person's last known address, the registrars must remove his or her name from the registry list.

Restoration of Electoral Privileges (§ 98)

Under prior law, someone imprisoned for a felony regained the right to vote and accompanying electoral privileges after paying all fines and completing any required prison and parole time.

The act allows convicted felons to regain their electoral privileges upon release from confinement in a correctional institution or facility. It eliminates prior law's requirements that these people also, as applicable, (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The act specifies that a convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored.

Under the act, the DOC commissioner must, within available appropriations, inform people who are on parole or special parole or confined in a community residence of their right to become electors and the process for restoring their privileges.

The act also makes conforming changes to a related monthly report that the DOC commissioner must send to the secretary of the state. Prior law required the commissioner to send the secretary a list by the 15th of each month of all people convicted of a felony who were released in the previous calendar month from a correctional institution or facility or a community residence and, if applicable, discharged from parole. The act eliminates the requirement that the list include community residence releases and parole discharges and instead requires it to include people who began confinement in a community residence.

By law, unchanged by the act, the secretary must send this list to the registrars in the towns where (1) the people lived at the time of their conviction or (2) she believes they may be electors.

EFFECTIVE DATE: July 1, 2021

§§ 99-100 & 127-143 — EXPANDED ABSENTEE VOTING AUTHORIZATION AND UPDATED FORMS FOR ELECTIONS OCCURRING BEFORE NOVEMBER 3, 2021

Extends to November 2, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19, including by (1) expanding the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness; (2) allowing municipalities to conduct certain absentee ballot pre-counting procedures; and (3) extending, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting the returns

The act extends to November 2, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19. For a state or municipal election, primary, or referendum occurring before November 3, 2021 (“covered election, primary, or referendum”), the act does the following, among other things:

1. expands the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness;
2. gives the secretary of the state broad authority to change absentee voting forms and materials to conform to the expanded eligibility;
3. authorizes town clerks to mail absentee voting sets using a third-party vendor that the secretary of the state approves and selects;
4. authorizes municipalities to conduct certain absentee ballot pre-counting procedures;
5. authorizes the secretary of the state, subject to certain conditions, to waive requirements under the mandatory supervised absentee voting law;
6. moves up the deadline by which an elector who has returned a completed absentee ballot but later finds he or she is able to vote in person must go to the town clerk’s office to request that the ballot be withdrawn; and
7. extends, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting the returns.

The act also makes several technical changes.

EFFECTIVE DATE: Upon passage

Expanded Authorization and Updated Forms (§§ 127-129)

For a covered state or municipal election, primary, or referendum, the act expands the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness (see *Background*).

The act requires that absentee ballots be updated for a covered election, primary, or referendum by inserting on the inner envelope’s statement “the sickness of COVID-19” as a reason for which electors may vote absentee. As with other types of absentee voters, those who vote by absentee ballot due to the COVID-19 sickness must sign the ballot under penalties of false statement in

absentee balloting.

The act also gives the secretary of the state broad authority to make changes to absentee voting forms and materials for a covered election, primary, or referendum when, in her opinion, changes are necessary to conform to law. The authorization applies to prescribed absentee voting forms and printed, recorded, or electronic materials.

Delivery of Absentee Ballots to Voters (§ 130)

The act, with certain exceptions, authorizes town clerks to mail absentee voting sets for a covered election, primary, or referendum using a third-party vendor that the secretary of the state approves and selects. It also requires (1) town clerks to mail the absentee voting sets within 48 hours, rather than within 24 hours, after receiving an application and (2) that any contract between the secretary and a third-party vendor require the vendor to mail each set within 72 hours after receiving the application from the clerk.

The act's provisions on mailing absentee ballot sets do not apply when a referendum is held with fewer than three weeks' notice since, by law, town clerks may provide absentee ballots for these referenda only to people who apply in person (CGS § 9-369c(a)).

Delivery of Returned Absentee Ballots to Registrars (§ 131)

By law, town clerks must sort into voting districts any absentee ballots received by the day before an election, primary, or referendum. For ballots received by 11:00 a.m. on this day, the law requires registrars of voters to check the names of applicants returning absentee ballots on the official registry list with "A" or "Absentee." This sorting and checking must be completed before, and the clerk must deliver the sorted and checked ballots to the registrars on, the day of the election, primary, or referendum.

For a covered election, primary, or referendum, the act authorizes clerks to begin sorting ballots 14 days beforehand, rather than seven days beforehand as the law otherwise provides. For a covered election, primary, or referendum, the act requires the town clerk to deliver these ballots at 6:00 a.m., unless a later time is mutually agreed upon, rather than between 10:00 a.m. and noon (unless a later time is mutually agreed upon) as the law otherwise provides.

The act also allows town clerks to deliver sorted and checked ballots to the registrars before the day of a covered election, primary, or referendum to begin certain pre-counting procedures (see below). Specifically, it allows any ballots received, sorted, and checked by 5:00 p.m. on the fourth day before the election, primary, or referendum to be delivered to the registrars at that time. It similarly allows ballots received, sorted, and checked by 5:00 p.m. on the third and second days before the election, primary, or referendum to be delivered to the registrars at those times.

In each case, the act allows the clerk to deliver the ballots at a later time that he or she mutually agrees upon with the registrars. The act also requires the (1)

clerk to include with the ballots an up-to-date copy of the duplicate checklist and (2) clerk and registrars to execute an affidavit of delivery and receipt stating the number of ballots delivered. Existing law applies these requirements to ballots delivered on the day of an election, primary, or referendum.

Requirements for Opting in to Pre-Counting (§ 132)

Under the act, any municipality conducting pre-counting procedures for a covered election, primary, or referendum must do so at a central location. The registrars of voters must designate the location in writing to their respective town clerks at least 10 days before the election, primary, or referendum, and the location must be published in the warning for the election, primary, or referendum (see below).

If a municipality opts to use the pre-counting procedures, the act requires the registrars of voters and town clerk to jointly certify this decision to the secretary of the state, in writing, at least 10 days before the election, primary, or referendum. The certification must include the (1) name, street address, and relevant contact information for the designated central location and (2) name and address of each absentee ballot counter.

The secretary must approve or disapprove the certification within two days after receiving it. The act also allows her to require the municipality to appoint one or more additional absentee ballot counters.

By law, municipalities must count absentee ballots at a central location unless the registrars of voters agree to count them in each polling place. The act specifies that any ballots delivered to the registrars on the day of a covered election, primary, or referendum (i.e., those not delivered for pre-counting procedures) may still be counted in the polling places.

Notifying the Public of Covered Elections and Primaries (§§ 99-100 & 133-134)

By law, the town clerk must notify the municipality's electors about a state or municipal election or primary by publishing the warning in a newspaper. The act generally delays the period during which municipalities must publish these warnings, as shown in the table below.

Notice Requirements

OLR PUBLIC ACT SUMMARY

Act §	Requirement	Deadline or Timeframe Under Existing Law	Deadline or Timeframe for Covered Election, Primary, or Referendum in 2021
§ 99	Town clerk or assistant town clerk must notify electors of a vacancy election for member of Congress, probate judge, or state legislator by publishing the warning in a general circulation newspaper	From five to 15 days before the election	From four to seven days before the election
§ 100	Town clerk or assistant town clerk must notify electors of a municipal election by publishing the warning in a general circulation newspaper	From five to 15 days before the election	From four to seven days before the election
§ 133	Town clerk must notify electors of a primary for state or district office by publishing the warning in a general circulation newspaper	Upon receiving notice from the secretary of the state that a primary is to be held	From four to seven days before the primary
§ 134	Town clerk must notify electors of a primary for municipal office, or for election as town committee member, by publishing the warning in a general circulation newspaper	Upon receiving notice from the registrar of voters that a primary is to be held	From four to seven days before the election or primary

Authorized Pre-Counting Procedures (§ 135)

By law, absentee ballot sets consist of an outer envelope, which contains information about the elector (e.g., name and address), and an inner envelope, which contains the elector's marked ballot and a statement signed by the elector under penalty of false statement in absentee balloting. (By law, false statement in absentee balloting is a class D felony (see [Table on Penalties](#)).)

The law sets out numerous absentee ballot counting steps, which are generally completed by absentee ballot counters or moderators. It requires that each of these steps be completed beginning on election day.

For municipalities that opt to use pre-counting procedures, the act authorizes them to complete the following steps, beginning at 5:00 p.m. on the fourth day before the covered election, primary, or referendum:

1. remove the inner envelopes from the outer envelopes;
2. report to the moderator separately the total number of absentee ballots received; and
3. reject ballots for which the inner envelope statement is improperly executed.

Under the act, once the above steps are completed, the absentee ballots must be counted beginning on the election, primary, or referendum day in accordance with existing law.

Securing the Absentee Ballots Until Election Day. The act requires that absentee ballots be secured throughout any pre-counting process. Specifically, the

ballots must be secured according to (1) instructions from the secretary of the state and (2) existing statutory requirements on securing absentee ballots and related materials. Under the act, the secretary must issue these instructions at least 10 days before the covered election, primary, or referendum.

Mandatory Supervised Absentee Voting (§ 136)

The act authorizes the secretary of the state to waive any requirements under the mandatory supervised absentee voting law for a covered election or primary (see *Background*). To waive a requirement, she must do so in recognition of the governor's March 10, 2020, declaration of public health and civil preparedness emergencies.

Before any waiver, the secretary must do the following:

1. consult with the public health commissioner, or the commissioner's designee;
2. give written notice to the town clerk and registrars of voters in each affected municipality; and
3. submit a report to the Government Administration and Elections Committee, advising of the waiver and specifying alternative actions that will be taken to provide any affected electors with absentee voting opportunities.

(The act also authorizes the secretary of the state to suspend supervised absentee voting that happens upon request, or mandatory supervised absentee voting, if she does so in recognition of a public health or civil preparedness emergency declared by the governor. This authority applies to elections and primaries generally (i.e., it does not expire November 3, 2021, see § 108).)

Deadline for Withdrawing a Submitted Absentee Ballot (§ 137)

By law, electors who submit an absentee ballot must go to the town clerk's office and request to withdraw it if they later find they can vote in person. For a covered election, primary, or referendum, the act moves up this deadline from 10:00 a.m. on the election, primary, or referendum day to 5:00 p.m. on the fourth day before it, which is the same time that municipalities may begin pre-counting procedures.

Extension of Certain Deadlines & Timeframes (§§ 138-143)

The act extends, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting returns for a covered election, primary, or referendum (see CGS §§ 9-369c(f) and 9-381a) (see *Background*). The changes also generally apply to a referendum held in conjunction with a covered election.

The table below lists, in chronological order, the deadlines and timeframes under existing law and the act.

Changes to the 2021 Election Calendar

OLR PUBLIC ACT SUMMARY

Act §	Requirement	Deadline or Timeframe Under Existing Law	Deadline or Timeframe for Covered Election, Primary, or Referendum in 2021
§ 140	After submitting the preliminary list of returns, moderator completes the canvass, which includes announcing (1) each candidate's name and absentee vote count and (2) the results for any ballot questions	48 hours after the polls close	96 hours after the polls close
§ 142	Moderator submits to the secretary of the state the duplicate list of returns (1) by electronic means and (2) in sealed, hard copy	<ul style="list-style-type: none"> • 48 hours after the polls close for the electronic submission • Three days after the election, primary, or referendum for the sealed, hard copy 	<ul style="list-style-type: none"> • 96 hours after the polls close for the electronic submission • Five days after the election, primary, or referendum for the sealed, hard copy
§ 139	Moderator deposits certificate (from the official checkers) with town clerk indicating the total number of names on the official checklist and the number checked as having voted	48 hours after the polls close	96 hours after the polls close
§ 139	Registrars deposit signed registry list with town clerk	48 hours after the polls close	96 hours after the polls close
§ 143	Registrars provide town clerk with results of votes cast	48 hours after the polls close	96 hours after the polls close
§ 143	For municipalities divided into voting districts, the (1) head moderators, town clerk, and registrars meet to identify any errors in the election or primary night returns and (2) moderators correct any errors and file an amended return with the secretary of the state, town clerk, and registrars	<ul style="list-style-type: none"> • 9:00 a.m. on the third day after the election, primary, or referendum for the meeting • 1:00 p.m. on the third day after the election, primary, or referendum for any amended return 	<ul style="list-style-type: none"> • 9:00 a.m. on the fifth day after the election, primary, or referendum for the meeting • 1:00 p.m. on the fifth day after the election, primary, or referendum for any amended return
§ 141	If there appears to be a discrepancy, tie vote, or close vote, including a close vote in a	Three days after the election, primary, or referendum	Five days after the election, primary, or referendum

OLR PUBLIC ACT SUMMARY

Act §	Requirement	Deadline or Timeframe Under Existing Law	Deadline or Timeframe for Covered Election, Primary, or Referendum in 2021
	referendum, the head moderator calls for a recanvass (CGS §§ 9-311a, -311b, & -370a)		
§ 141	When a recanvass is required due to a discrepancy, tie vote, or close vote, including a close vote in a referendum, the recanvass officials meet to recanvass the returns (CGS §§ 9-311a, -311b, & -370a)	Five business days after the election, primary, or referendum	Seven business days after the election, primary, or referendum
§ 138	In the event of a recanvass, absentee ballot depository envelopes may be unsealed by court order or State Elections Enforcement Commission subpoena	Five business days after the election, primary, or referendum	Seven business days after the election, primary, or referendum
§ 141	If a discrepancy, close vote, or tie vote recanvass results in a correction to the original returns, the moderator files one copy of the corrected recanvass return with the secretary of the state and another with the town clerk	10 days after the election, primary, or referendum	12 days after the election, primary, or referendum

Background

Permitted Reasons for Voting by Absentee Ballot. The state constitution authorizes the General Assembly to pass a law allowing eligible voters to cast their votes by absentee ballot if they are unable to appear at a polling place on election day because of (1) absence from their city or town, (2) sickness or physical disability, or (3) the tenets of their religion prohibit secular activity (Art. VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

CGS § 9-135 permits eligible voters to vote by absentee ballot if:

1. they are absent from the municipality in which they reside during all hours of voting;
2. they are ill or have a physical disability;
3. the tenets of their religion forbid secular activity on the day of the primary, election, or referendum;
4. they are in active service in the U.S. Armed Forces; or

5. their duties as a primary, election, or referendum official outside of their voting district will keep them away during all hours of voting.

Issuing Absentee Ballot Sets. By law, town clerks begin issuing absentee voting sets 31 days before an election and 21 days before a primary, or if that day falls on a weekend or holiday, the next preceding business day. Generally, clerks begin issuing the sets 19 days before a referendum or when an elector applies for an absentee ballot, whichever is later. However, when a referendum is held with fewer than three weeks' notice, clerks must make the sets available no later than four business days after the question is finalized (CGS §§ 9-140(f) and 9-369c(a) & (e)).

Mandatory Supervised Absentee Voting. Under the mandatory supervised absentee voting law, registrars of voters or their designees must supervise absentee voting at "institutions" (e.g., nursing homes and other residential care and mental health facilities) in which at least 20 patients are registered voters (including patients who are registered in a municipality other than the one where the institution is located). During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots. Voters have the right to complete their ballots in secret, but registrars observe the process and are available to assist upon request.

Application of Election Procedures to Primaries and Referenda. By law, unless otherwise provided, procedures for regular elections apply to primaries as nearly as possible (CGS § 9-381a). Similarly, absentee ballot procedures for elections (e.g., issuing and returning the ballots and declaring the count) also apply to referenda as nearly as possible (CGS § 9-369c(f)).

§§ 99 & 100 — ELECTION NOTICES

Requires town clerks to post notices for state and municipal elections on the town website

The act requires town clerks to post notices of state and municipal elections on their municipal website, in addition to placing them in a town or general circulation newspaper as required under existing law. Just as the law requires for newspaper notices, the online notices must appear not more than 15 days, nor less than five days, before an election. (For certain elections that occur before November 3, 2021, the act delays the period during which clerks must provide the notices (see below).) It also requires that the notices include the time and location for each EDR location and, as required by existing law, each polling place.

EFFECTIVE DATE: Upon passage

§ 101 — ONLINE SYSTEM FOR ABSENTEE BALLOT APPLICATIONS

Allows individuals to apply to the secretary of the state for an absentee ballot using an online system

The act allows individuals to apply to the secretary of the state for an absentee ballot using an online system, which she must establish and maintain for that purpose. To use the system, an applicant's signature must be obtained from a state

or federal agency’s database, another state’s voter registration database, or the e-signature system established by the act (see § 92) and imported into the online system. By law, unchanged by the act, people may also apply for an absentee ballot with the town clerk in the municipality where they are eligible to vote or applied to register to vote.

EFFECTIVE DATE: July 1, 2021

Procedure

Under the act, an applicant using the online system must, on a secretary-prescribed form, type his or her name and indicate the municipality in which he or she is eligible to vote or applied to register to vote. Within 24 hours after receiving an application through the system, the secretary must transmit it to the applicable town clerk.

Required Affirmation

Applicants must swear or affirm the following under penalty of false statement in absentee balloting:

1. I am the person whose name is provided, and I desire to apply for an absentee ballot.
2. I am eligible to vote in the municipality indicated or have applied for eligibility.
3. I authorize the Department of Motor Vehicles or other Connecticut state agency to transmit to the Connecticut Secretary of the State my signature that is on file with the agency and understand that the signature will be used by the Secretary for an absentee ballot as if I had signed this form personally.

By law, making a false statement in absentee balloting is a class D felony (see [Table on Penalties](#)) (CGS § 9-359a).

§ 102 — DROP BOXES FOR RETURNING ABSENTEE BALLOTS

Makes permanent the use of drop boxes for returning absentee ballots

By law, voters may return completed absentee ballots via mail (e.g., the U.S. Postal Service) or in person at the town clerk’s office. Under the act, for a state or municipal election, primary, or referendum, they may also deposit them in secure drop boxes designated for that purpose by the town clerk. Drop boxes were first implemented for the 2020 state election, and prior law limited their use to that election. As under prior law, town clerks must designate the drop boxes following instructions that the secretary of the state prescribes.

Similar to prior law, beginning 29 days before a primary, election, or referendum, and each weekday after that until the polls close, the act requires town clerks to retrieve absentee ballots from the secure drop boxes. (Presumably, for primaries and referenda, the requirement applies only after town clerks begin issuing absentee ballot sets (see *Background*).) The act eliminates a requirement

that applied during the 2020 state election for a police officer to escort the town clerk in retrieving absentee ballots from any drop box located outside of a building other than the clerk's office building.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

Background — Issuing Absentee Ballot Sets

By law, town clerks begin issuing absentee voting sets 31 days before an election and 21 days before a primary; or, if that day falls on a weekend or holiday, on the next preceding business day. Generally, clerks begin issuing the sets 19 days before a referendum or when an elector applies for an absentee ballot, whichever is later. However, when a referendum is held with fewer than three weeks' notice, clerks must make the sets available no later than four business days after the question is finalized (CGS §§ 9-140(f) and 9-369c(a) & (e)).

§ 102 — ABSENTEE BALLOT RETURN BY SIBLINGS AND DESIGNEES

Expands who is eligible to return absentee ballots on behalf of a voter as an immediate family member or designee

The act expands who is eligible to return absentee ballots on behalf of absentee voters. First, the act authorizes the siblings of absentee voters to return absentee ballots on their behalf, in person to the town clerk, by expanding the definition of "immediate family member" for this purpose. Similarly, it authorizes the siblings of absentee voters who are students to mail absentee ballots on their behalf. In both cases, existing law also grants this eligibility to the following immediate family members: a dependent relative living with the voter, or a spouse, child, or parent.

The act also expands who is eligible to be a "designee" for purposes of mailing or returning in person an absentee ballot to the town clerk on behalf of a person with an illness or physical disability. Under the act, a designee includes a police officer, registrar of voters, or deputy or assistant registrar under any circumstance. Prior law allowed these individuals to serve as designees only when another designee was unavailable or did not consent. Under existing law, "designee" also means (1) a person who cares for the applicant because of an illness or physical disability (e.g., physician or nurse) or (2) a designated family member who consents to the designation.

EFFECTIVE DATE: Upon passage

§ 103 — PERMANENT ABSENTEE BALLOT STATUS

Makes electors suffering from a long-term illness eligible for permanent absentee ballot status, among other things

The act makes electors suffering from a long-term illness eligible for

permanent absentee ballot status, in addition to those with a permanent physical disability as under existing law. By law, electors with permanent absentee ballot status receive an absentee ballot for each election, primary, and referendum in which they are eligible to vote.

The law requires registrars of voters to send an annual address confirmation notice to determine if those with the status continue to reside at the address on their permanent absentee ballot application. By law, registrars must remove electors from permanent status if (1) the notice was returned as undeliverable or (2) the elector fails to return it to the registrars within a certain time after it was sent. The act gives electors up to 60 days, instead of 30, to return the notice. (However, it also provides that failing to return the notice does not result in an elector's removal from permanent status.)

EFFECTIVE DATE: Upon passage

§ 104 — VOTER REGISTRATION INFORMATION DISCLOSURE

Generally, limits disclosure of certain voter registration information

The act limits disclosure of a voter's date of birth maintained under state election law to year and month of birth unless the information is requested and used for a governmental purpose, as determined by the secretary of the state. In that case, the complete birth date must be provided. The act specifies that "a governmental purpose" must at least include jury administration.

The act also makes a voter's name and address confidential and prohibits their disclosure from the voter registry list if the voter submits a signed statement to the secretary of the state indicating that nondisclosure is necessary for the safety of the voter or his or her family. It requires that the statement be signed under penalty of false statement. By law, giving a false statement is a class A misdemeanor (see [Table on Penalties](#)). Under the act, primary, election, or referendum officials may view the voter's information on the official registry list at the polling place during a primary, election, or referendum.

Additionally, the act conforms the law to current practice by specifying that unique identifiers that generate voter registration records, or are added to these records pursuant to the federal Help America Vote Act, are confidential. It also prohibits their disclosure (see *Background*). Under the act, "unique identifiers" include motor vehicle license numbers, identity card numbers, and Social Security numbers.

EFFECTIVE DATE: Upon passage

Background — Unique Identifiers

The Freedom of Information Commission has consistently declined to order disclosure of Social Security numbers, employee identification numbers, and driver's license numbers (see for example Docket #FIC 2014-032 and Docket #FIC 2014-438).

§§ 105 & 106 — DEADLINE TO CHALLENGE CERTAIN CANDIDATES

Moves up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) judge of probate in a multi-town district or (2) a member of Congress

The law establishes procedures that major political parties must follow when nominating candidates to run in a special election (i.e., an election to fill a vacancy) (see *Background*). For vacancies in the offices of judge of probate in a multi-town district and U.S. representative and U.S. senator, it generally allows the party's endorsed candidate to be challenged in a primary unless the vacancy occurs between the 125th day and 63rd day before a regular November state or municipal election (in which case the endorsed candidate becomes the nominee).

Under prior law, a person who sought a primary against an endorsed candidate for these offices had to file a candidacy for nomination with the secretary of the state within 14 days after the party's endorsement. The act moves up this filing deadline to the day after the endorsement and makes conforming changes. As under existing law, a person may file a candidacy for nomination to these offices if he or she (1) receives at least 15% of the convention delegates on any roll-call vote taken on the endorsement or (2) submits a petition with a specified number of signatures from enrolled party members (i.e., 2% of statewide members for U.S. senator; 2% of district members for U.S. representative; and 5% of district members for judge of probate) (CGS § 9-400).

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

Background — Major Parties

By law, a "major party" is one whose (1) candidate for governor received, under the party's designation, at least 20% of the votes cast for governor in the preceding gubernatorial election or (2) enrolled membership comprises at least 20% of the total number of enrolled members of all political parties in the state (as of the most recent gubernatorial election) (CGS § 9-372(5)).

§ 107 — POST-ELECTION AUDITS

Subjects centrally counted absentee ballots to post-election audits

By law, registrars of voters must audit at least 5% of the state's voting districts after a federal, state, or municipal regular election or primary. The secretary of the state selects the districts to be audited in a random drawing that is open to the public.

The act subjects centrally counted absentee ballots to post-election audits by designating central-count locations as voting districts for this purpose. Previously, centrally counted absentee ballots were excluded from post-election audits because they were not counted within a voting district.

EFFECTIVE DATE: Upon passage

§ 108 — SUPERVISED ABSENTEE VOTING

Authorizes the secretary of the state to suspend supervised absentee voting or mandatory supervised absentee voting in recognition of a public health or civil preparedness emergency

The act authorizes the secretary of the state to suspend supervised absentee voting that happens upon request, or mandatory supervised absentee voting (see *Background*), if she does so for a public health or civil preparedness emergency declared by the governor. It requires the secretary to submit a report to the Government Administration and Elections (GAE) Committee on the suspension and actions that will be taken to provide absentee voting opportunities for the affected electors.

It also eliminates registrars' prior discretionary authority to hold supervised absentee voting sessions in locations where the town clerk receives at least 20 absentee ballot applications from the same street address in town, such as an apartment building.

(The secretary may also waive requirements for mandatory supervised absentee voting for a state or municipal election, primary, or referendum occurring before November 3, 2021 (see § 136).)

EFFECTIVE DATE: Upon passage

Background — Supervised Absentee Voting

Under supervised absentee voting, registrars of voters or their designees supervise absentee voting at certain “institutions” (e.g., nursing homes and other residential care and mental health facilities). During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots. Voters have the right to complete their ballots in secret, but registrars observe the process and may help upon request.

Registrars must hold a session in an institution in which at least 20 patients are registered voters (including patients who are registered in a municipality other than the one where the institution is located). For institutions with fewer than 20 residents, registrars generally hold a session upon request by the institution's administrator or a registrar of voters of the town where the residents are electors (CGS §§ 9-159q & 9-159r).

§ 109 — ABSENTEE BALLOTS FOR ELECTORS WITH A VISUAL IMPAIRMENT

Requires the secretary of the state to provide an electronic absentee ballot to electors who are unable to appear at their polling place because of a visual impairment

The act requires the secretary of the state to electronically provide an absentee ballot to an elector who is unable to appear at his or her polling place because of a visual impairment. The absentee ballot must be in a format that can be read by a computer-related device and printed. It also requires that the ballot, if signed by

the elector, be counted if it otherwise satisfies all the requirements for returned absentee ballots (e.g., returned no later than the close of the polls).

EFFECTIVE DATE: Upon passage

§ 110 — ASSISTANCE IN VOTING BOOTHS AT EDR LOCATIONS

Specifies that certain electors may receive voting assistance in voting booths at designated EDR locations

By law, electors who are blind, have a disability, or cannot read or write may receive voting assistance from anyone other than their employer, employer's agent, union representative, or with one exception, candidates whose names appear on the ballot. (A candidate may assist if the elector making the request is an immediate family member.) Under existing law, a person assisting an elector may accompany the elector into the voting booth. The act specifies that this authorization applies both at polling places and designated EDR locations.

EFFECTIVE DATE: Upon passage

§§ 111-114 — APPOINTED POLLING PLACE CHALLENGERS

Conforms the law with current practice by eliminating provisions authorizing registrars of voters to appoint challengers as polling place officials

Prior law authorized each municipality's registrar of voters to appoint up to two challengers per polling place who could challenge the right of anyone attempting to vote. The act conforms the law with current practice by eliminating registrar-appointed challengers as authorized poll workers during a primary or election.

Existing law, unchanged by the act, authorizes any elector to act as a challenger if he or she knows, suspects, or reasonably believes that there is doubt as to a voter's identity, residence, or disenfranchisement status. The moderator decides any challenge.

EFFECTIVE DATE: Upon passage

§ 115 — STUDY ON AGENCY DISTRIBUTION OF MAIL VOTER REGISTRATION APPLICATION FORMS

Requires the secretary of the state and various agencies to study the capabilities of providing an electronic system to distribute mail voter registration application forms

The act requires the secretary of the state to study the technological and staffing capabilities of various state agencies to provide an electronic system that distributes mail voter registration application forms. In conducting the study, she must consult with department heads, including at least the commissioners of consumer protection, emergency services and public protection, energy and environmental protection, and veterans' affairs.

The act requires the secretary to submit a report to the GAE Committee by February 1, 2023, with the study's findings and legislative recommendations for

authorizing state agencies to provide the electronic system.

EFFECTIVE DATE: Upon passage

§§ 116-121 & 495 — MUNICIPAL ELECTION DATE CHANGES

Generally requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years; extends existing provisions on transitioning and deferring terms of office to, and establishes new provisions for, municipalities that change their election date

Starting January 1, 2022, the act requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years unless its legislative body votes by a three-fourths majority to hold the election on the first Monday in May of odd-numbered years. Under the act, a municipality that opts for a May election date using this procedure may subsequently move its election date to November through a majority vote of its legislative body. The act eliminates provisions in prior law that (1) allowed municipalities to change the date of their biennial municipal election by vote of their legislative body approved at a referendum or by charter and (2) prohibited municipalities from changing an upcoming election's date within six months before its occurrence.

The act generally extends, to municipalities that change their election date, existing law's provisions on transitioning and deferring terms of office. It also makes several technical and conforming changes, including repealing an obsolete statute on transitioning terms of office.

EFFECTIVE DATE: January 1, 2022

Transitioning and Deferring Terms of Office

The table below summarizes existing law's transition provisions and their application under the act.

Transitioning and Deferring Terms of Office

§	<i>Municipalities to Which Provision Applies</i>	<i>Requirement or Authorization</i>
116	Any municipality whose election date is changed by the act	The terms of any elected officials that are set to expire before the next regular election because of an election date change must be extended to the date of that election.
117	Any municipality whose election date is changed by the act	For boards or commissions with a rotating membership and some members elected before the election date change to terms beginning approximately one year after that election, the legislative body may defer the terms in order to continue the rotation. (For certain bodies, such as zoning boards of appeals, this may be done by

OLR PUBLIC ACT SUMMARY

§	<i>Municipalities to Which Provision Applies</i>	<i>Requirement or Authorization</i>
		ordinance.)
118	A municipality that changes its election date from November to May	The terms of incumbent municipal elected officials must be reduced to conform to the change, but by no more than nine months.
118	A municipality that changes its election date from May to November	The terms of incumbent municipal elected officials must be extended to conform to the change, but by no more than nine months.

Background — Municipalities and Boroughs Holding May Municipal Elections

According to the Office of the Secretary of the State, the following five municipalities hold biennial municipal elections on the first Monday in May in odd-numbered years: Andover, Bethany, Union, Woodbridge, and the City of Groton. The remaining municipalities (including the Town of Groton) hold their elections in November.

In addition, the following eight boroughs hold biennial municipal elections on the first Monday in May in odd-numbered years:

1. Bantam (Litchfield)
2. Danielson (Killingly)
3. Fenwick (Old Saybrook)
4. Jewett City (Griswold)
5. Litchfield
6. Newtown
7. Stonington
8. Woodmont (Milford)

§ 122 — TASK FORCE ON ABSENTEE BALLOT ENVELOPES

Establishes a task force to study the feasibility of implementing procedures under which absentee ballot applicants return absentee ballots using one envelope instead of two

The act establishes a 12-member task force to study the feasibility of implementing procedures for absentee ballot applicants to return absentee ballots using one envelope instead of two. The study must examine and identify each section of the general statutes that requires amending to implement the procedures.

EFFECTIVE DATE: Upon passage

Membership

Under the act, the task force consists of the following members:

1. the secretary of the state or her designee;

2. one member each appointed by the Senate president pro tempore, House speaker, and Senate and House minority leaders;
3. one member each appointed by the GAE Committee chairpersons and ranking members;
4. two members, enrolled in different political parties, appointed by the president of the Registrars of Voters Association of Connecticut; and
5. one member appointed by the president of the Connecticut Town Clerks Association.

Initial appointments must be made by July 23, 2021. Legislative appointments may be legislators, and appointing authorities fill vacancies. The House speaker and Senate president pro tempore must select the task force chairpersons from among its members.

Meetings, Staff, and Reporting

The act requires the chairpersons to hold the task force's first meeting by August 22, 2021, and the GAE Committee's administrative staff must serve as its administrative staff. By January 1, 2022, the task force must report its findings and recommendations to the GAE Committee. It terminates on that date or when it submits the report, whichever is later.

§ 123 — WORKING GROUP ON RISK-LIMITING AUDITS

Establishes a working group to examine risk-limiting audits and oversee a related pilot program, within available appropriations, in five to 10 municipalities for the 2021 municipal elections

The act establishes a 12-member working group on risk-limiting audits. The group's purpose is to (1) consider risk-limiting audits for determining election results' accuracy and (2) oversee a pilot program, within available appropriations, in five to 10 municipalities on one or more risk-limiting audit methods for the 2021 municipal election. As part of its work, the working group must at least examine the following:

1. feasibility of implementing risk-limiting audits;
2. different methods used in these audits and the practical considerations for implementing each method within Connecticut's existing laws; and
3. procedures, potential equipment, and statutory changes needed to implement one or more of these methods.

EFFECTIVE DATE: Upon passage

Membership

Under the act, the working group consists of the following members:

1. the secretary of the state, or her designee;
2. one member each appointed by the Senate president pro tempore, House speaker, and Senate and House minority leaders;
3. two members, enrolled in different political parties, appointed by the GAE Committee chairpersons and ranking members;

4. two members appointed by the secretary of the state, one with election law expertise and admitted to practice law in Connecticut, and the other a statistician;
5. two members, enrolled in different political parties, appointed by the president of the Registrars of Voters Association of Connecticut; and
6. the director of UConn's Center for Voting Technology Research, or the director's designee.

Initial appointments must be made by July 23, 2021. Legislative appointments may be legislators, and appointing authorities fill vacancies. The secretary of the state, or her designee, serves as the group's chairperson.

Meetings, Staff, and Reporting

The act requires the secretary of the state, or her designee, to hold the working group's first meeting by August 22, 2021. The GAE Committee's administrative staff must serve as the group's administrative staff. By January 31, 2022, the working group must report its findings and recommendations to the GAE Committee and the secretary of the state. It terminates on that date or when it submits the report, whichever is later.

§ 124 — MINOR PARTY RULES

Increases the time period that minor party rules for nominating candidates must be on file with the secretary of the state before the party's candidates may appear on the ballot

By law, minor parties must nominate candidates and certify the list of candidates no later than 62 days before the election (CGS § 9-452). Under prior law, a copy of the party nominating rules had to be on file with the secretary of the state for at least 60 days before the nomination in order for a candidate's name to appear on the official ballot. The act extends this time period to at least 180 days before the nomination. "Party rules" includes any amendments to them.

By law, a "minor party" is one that is not a major party and whose candidate for the office in question received, under the same party designation, at least 1% of the votes cast for the same office at the last regular election (CGS § 9-372(6)).

EFFECTIVE DATE: Upon passage

§ 125 — COUNCIL ON SEXUAL MISCONDUCT CLIMATE ASSESSMENTS

Adds the Higher Education and Employment Advancement Committee's ranking members to the Council on Sexual Misconduct Climate Assessments

The act adds the Higher Education and Employment Advancement Committee's ranking members to the Council on Sexual Misconduct Climate Assessments, increasing its size to 22 members.

PA 21-81 established the council within the Legislative Department. The council must, among other things, develop a list of data points for higher education institutions to collect using sexual misconduct climate assessments and

recommend guidelines for implementing the assessments.

EFFECTIVE DATE: July 1, 2021

§ 126 — TOWN COMMITTEE PRIMARIES

Establishes circumstances under which town committee members who typically are chosen in a direct primary in certain municipalities are deemed elected without a primary

The act establishes circumstances under which town committee members who typically are chosen in a direct primary in certain municipalities are deemed elected to the committee without a primary. Under the act, in municipalities with a population of 100,000 or more as estimated by the most recent version of the State Register and Manual, no direct primary is held if, by 4:00 p.m. on the 49th day before the primary (i.e., 15 days before the deadline for filing candidacy petitions), the number of people who have requested petition forms and filed a statement consenting to be a candidate (1) does not exceed the number of town committee members being elected but (2) is at least 25% of that number.

The act exempts these candidates from the law's primary petition deadline and signature requirements and deems them elected to the town committee without a direct primary. (Generally, the law requires that these petitions be (1) filed with the registrar of voters by 4:00 p.m. on the 34th day before the primary; (2) signed by at least 5% of the enrolled party members in the town, or a lesser number if provided in the party rules; and (3) certified by the registrar of voters (CGS §§ 9-405 to -406 & -412).)

EFFECTIVE DATE: Upon passage

Background — Town Committees

Under existing law, major political parties must select a town committee in each town. They must choose party-endorsed candidates at a caucus unless the party rules provide for a direct primary (CGS §§ 9-390(c) & -392).

By law, a party's endorsed candidates for town committee are deemed elected to the committee unless candidates numbering at least 25% of the seats to be filled on the committee successfully petition for a primary (CGS §§ 9-415(d) & -417). If the party rules provide for a direct primary, then the party does not make any endorsements. Rather, all committee members are elected in the primary (unless the act's provisions apply) (CGS § 9-390(g)). Town committee primaries are held on the first Tuesday in March in even-numbered years (CGS § 9-425).

By law, a "major party" is one whose (1) candidate for governor received, under the party's designation, at least 20% of the votes cast for governor in the preceding gubernatorial election or (2) enrolled membership comprises at least 20% of the total number of enrolled members of all political parties in the state (as of the most recent gubernatorial election) (CGS § 9-372(5)).

§ 144 — ABSENTEE BALLOT SIGNATURE VERIFICATION PILOT PROGRAM

OLR PUBLIC ACT SUMMARY

Requires the secretary of the state to establish a pilot program to verify signatures manually or electronically on the inner envelopes for returned absentee ballots at the 2022 state election

The act requires the secretary of the state to establish a pilot program to verify signatures manually or electronically on the inner envelopes for returned absentee ballots at the 2022 state election. The secretary must randomly select five municipalities to participate in the program, based on their population according to the most recent version of the State Register and Manual. Specifically, she must select one municipality from each of the following population groups: less than 10,000; between 10,000 and 24,999; between 25,000 and 49,999; between 50,000 and 99,999; and 100,000 or greater.

By January 1, 2023, the secretary must submit a report on the program's findings and recommendations for legislation to the GAE Committee.

EFFECTIVE DATE: October 1, 2021

§ 145 — COVID-19 VACCINATION STATUS INFORMATION

Requires DPH, upon request, to provide to a person (or a minor's parent or guardian) information confirming that the person received the COVID-19 vaccination, but otherwise not disclose this information without consent

Under the act, if a person has received a COVID-19 vaccination, DPH must provide to that person, upon request, information on the person's COVID-19 vaccination status as provided to DPH by the vaccination provider. This same requirement applies if a parent or guardian requests this information for a minor child.

The act prohibits DPH from disclosing such a person's COVID-19 vaccination status to anyone else unless the person, parent, or guardian authorizes it, in a form and manner the commissioner prescribes.

EFFECTIVE DATE: Upon passage

§ 146 — STUDENT ATHLETE COMPENSATION

Extends the effective date by which (1) student athletes may begin earning compensation through an endorsement contract or employment in an activity unrelated to any intercollegiate athletic program and (2) higher education institutions must adopt or update their related policies; prohibits student athletes from receiving compensation for the use of their name, image, or likeness

The act modifies provisions from PA 21-132 on student athlete compensation in higher education institutions. Specifically, it extends, from September 1, 2021, to January 1, 2022, the date by which:

1. student athletes may earn compensation through an endorsement contract or employment in an activity unrelated to any intercollegiate athletic program and
2. each higher education institution's governing board must adopt or update its related policies.

In addition, the act prohibits student athletes from receiving compensation for the

use of their name, image, or likeness, as an incentive to attend, enroll in, or continue attending a specific higher education institution or intercollegiate athletic program.

EFFECTIVE DATE: July 1, 2021

§§ 147 & 149 — PUBLIC AGENCY MEETINGS USING ELECTRONIC EQUIPMENT

Authorizes public agencies to conduct meetings using electronic equipment until April 30, 2022, and establishes requirements and procedures for doing so

Under the Freedom of Information Act (FOIA), public agencies must make their meetings, other than executive sessions, open to the public. The act allows these agencies, until April 30, 2022, to hold meetings that are accessible to the public through electronic equipment or through electronic equipment in conjunction with an in-person meeting.

The act establishes several requirements for meetings held using electronic equipment, including that votes generally be conducted by roll call and that members of the public have the same participation opportunities as they would for an in-person meeting.

EFFECTIVE DATE: July 1, 2021, except that certain definitions are effective upon passage.

Electronic Equipment (§§ 147 & 149(a))

Under prior law, FOIA’s definition of “meeting” included those held by electronic equipment, but it did not explicitly authorize, or establish procedures for, telephone or other remotely held meetings (see *Background*).

The act defines “electronic equipment” for purposes of FOIA as any technology facilitating real-time access to meetings, including telephone, video, or other conferencing platforms.

Notice and Agenda (§ 149(a) & 149(c))

Regular Meetings. The act requires public agencies, other than the legislature, to provide at least 48 hours’ notice before conducting a regular meeting by electronic equipment. The agency must notify its members in writing or by electronic transmission and post a notice in its regular office or place of business and on its website, if available. Additionally, (1) state and quasi-public agencies must post a notice on the secretary of the state’s website and in her office and (2) public agencies of political subdivisions, other than quasi-public agencies, must post notice in the (a) subdivision’s clerk’s office or (b) clerk’s office for each municipal member of a multi-town district or agency.

The act requires that the agenda for any regular meeting held by electronic equipment be posted at least 24 hours before the meeting in the same manner described above. Both the notice and agenda must include instructions for the public to attend and provide comment or otherwise participate in the meeting

through electronic equipment or in person, as applicable and permitted by law. Under the act, both the notice and agenda must comply with FOIA.

Special Meetings. The act requires public agencies, other than the legislature, to include in the notice of a special meeting whether it will be held solely or in part by electronic equipment. The agency must post the notice and agenda at least 24 hours before the meeting in accordance with FOIA's existing requirements (e.g., specify the meeting's time and place and business to be transacted).

The act also requires that the above instructions for meeting attendance and participation be included in any notice and agenda of a special meeting that will be held by electronic equipment. (A special meeting is one held to consider business that (1) was unforeseen when scheduling regular meetings and (2) should be addressed before the next regular meeting.)

Conducting Meetings (§ 149(b), 149(d), 149(e) & 149(g))

Under the act, if a public agency holds a meeting (other than an executive session or emergency special meeting) solely by electronic equipment, then it must provide any member of the public with (1) a physical location and electronic equipment needed to attend the meeting in real-time, if requested in writing at least 24 hours before the meeting, and (2) the same opportunities to comment, testify, or otherwise participate that he or she would have for an in-person meeting. However, the act specifies that it does not require public agencies to offer any of these participation opportunities to members of the public attending electronically if they are not legally required to do so for members of the public attending in person.

Under the act, if a quorum of a public agency's members attends a meeting by electronic equipment from the same physical location, then the agency must allow the public to attend the meeting at that location. Additionally, any public agency that holds a meeting must provide its members with the opportunity to participate by electronic equipment.

For meetings that agencies conduct by electronic equipment, the act requires participants (both agency members and the public) to make a good-faith effort to state their name and title each time before speaking during an uninterrupted dialogue or series of questions and answers. For meetings in which at least one member participates electronically, it requires that agencies conduct all votes by roll call unless the vote is unanimous.

Recording and Transcript (§ 149(b))

Under the act, if a public agency holds a meeting (other than an executive session or emergency special meeting) solely by electronic equipment, then it must ensure that the meeting is recorded or transcribed (other than the parts in executive session). The agency must post the recording or transcript on its website and make it available to the public to view, listen, and copy within seven days after the meeting and for at least 45 days afterwards.

Meeting Minutes (§ 149(d))

FOIA requires public agencies to make meeting minutes available no later than seven days after a meeting. Among other things, they must record all votes taken at the meeting. The act requires that the minutes of a meeting during which any member participated by electronic equipment also list the agency members who attended in person, as well as those who attended electronically.

Electronic Equipment Interruptions (§ 149(b) & 149(f))

The act establishes conditions under which a public agency may resume an interrupted meeting being held by electronic equipment. It applies to meetings interrupted by (1) the equipment's failure, disconnection, or degradation (as determined by the chairperson), or (2) losing a quorum because a member's connection by electronic equipment is interrupted, fails, or becomes degraded.

The act allows the agency to resume the meeting between 30 minutes to two hours after the interruption or chairperson's determination. The agency may do so in person if a quorum is present in person, or by electronic means solely or in part if a quorum is restored by electronic means. It must also restore electronic access to the public if this capability has been restored.

The act also requires the public agency, if practicable, to post a notice on its website and inform attendees by electronic means of the expected resumption time or of the meeting's adjournment or postponement. The agency may also announce at the beginning of the meeting preplanned procedures for resuming an interrupted meeting.

The act specifies that it does not require a public agency to adjourn or postpone a meeting if a member of the agency or the public experiences an electronic equipment connection interruption, failure, or degradation, unless the agency member's participation is needed for a quorum.

Background — Telephone Meetings Under FOIA

Although FOIA previously did not explicitly authorize telephone or other remotely held meetings, its definition of "meeting" includes those held by electronic equipment (CGS § 1-200(2)).

In its only advisory opinion on the subject, the Freedom of Information Commission (FOIC) advised that public agencies conducting business over the phone must comply with FOIA's open meeting requirements. According to FOIC, agencies must make sure that the public has "access to the entire proceedings taking place during the course of a meeting."

Specifically, the commission advised that the meeting must comply with at least the following conditions:

1. members of the public who want to attend the meeting must be accommodated at a place where the greatest number of participating agency members is located;
2. people attending the meeting, including members of the public, must be

- able to see and inspect copies of any physical or demonstrable materials presented or used; and
3. all those attending the meeting, at whatever location, must be able to hear and identify adequately all participants in the proceedings, including individual remarks and votes (Advisory Opinion 41, 1980).

§§ 147, 148, 150 & 151 — MEETING NOTICES GENERALLY

Allows public agencies to provide meeting notice by electronic transmission; requires agencies to post certain notices of adjournment on their websites

Electronic Meeting Notices to Interested Parties (§§ 147-148 & 150)

FOIA requires public agencies, where practicable, to give notice of each regular and special meeting at least seven days in advance to a person who makes a written request for this notice. The act gives public agencies the option of providing this notice by electronic transmission. Under prior law, agencies had to provide the notice by mail. It defines “electronic transmission” as any communication form or process that (1) does not directly physically transfer paper or another tangible medium and (2) the recipient may retrieve (including in paper form, specifically), retain, or reproduce.

FOIA allows a person who does not receive proper notice of a meeting to appeal to FOIC. Existing law presumes that a political subdivision agency (e.g., a municipal agency) has given proper notice if it timely sends the notice by first-class mail to the address provided by the requestor. The act additionally presumes proper notice if it is timely sent by electronic transmission to the requestor’s information processing system (e.g., email account). (By law, an “information processing system” is an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.)

Notices of Adjournment (§ 151)

Existing law requires public agencies, when a meeting is adjourned (1) to a specified time and place or (2) because all members are absent, to post a notice of adjournment on or near the door of the meeting’s location within 24 hours after the adjournment. The act requires agencies to also post this notice on their websites, if applicable.

EFFECTIVE DATE: July 1, 2021

§ 148 — FREEDOM OF INFORMATION COMMISSION APPEALS

Allows FOIC to electronically send certain documents to parties in an appeal before the commission

By law, a person who is denied a right conferred by FOIA (e.g., inspecting or copying public records or attending a public agency’s meeting) may file an appeal with FOIC. Existing law requires that specified documents and notices be

provided to parties to the appeal.

The act allows the following types of documents to be provided by electronic transmission:

1. service of the appeal notice by FOIC upon all parties (and any other commission notice or order);
2. notice by a public agency to an employee (and his or her collective bargaining representative, if any) of any appeal to FOIC involving the employee's personnel, medical, or similar file;
3. notice by FOIC to any person against whom the commission levies a civil penalty (by law, FOIC may levy a civil penalty of \$20-\$1,000 against (a) a complainant whom it finds acted frivolously or (b) a respondent whom it finds unreasonably denied a request); and
4. service by FOIC upon all parties of a public agency's petition for relief from a vexatious requestor (when the executive director determines that a hearing is warranted for the petition) and any other commission notice or order.

EFFECTIVE DATE: July 1, 2021

§§ 152 & 153 — ORDERLY CONDUCT AT MEETINGS

Allows public agencies and town meetings to deny disorderly individuals access to meetings by electronic equipment

Under existing law, a town meeting moderator may order a proper officer to take a disorderly person into custody and remove him or her from the meeting if necessary. Additionally, FOIA allows a public agency's members, when order cannot be restored by removing disorderly individuals, to order the room cleared before continuing with the meeting.

The act expands this authority to include disorderly individuals attending a meeting by electronic equipment. It allows town meeting moderators and public agency members to terminate these individuals' attendance by electronic equipment until they conform to order or, if necessary, until the meeting is over.

EFFECTIVE DATE: Upon passage for town meetings and July 1, 2021, for the FOIA provisions.

§ 154 — ACIR STUDY

Requires ACIR to study the implementation of the act's provisions

The act requires the Advisory Committee on Intergovernmental Relations (ACIR) to study the (1) implementation of the act's remote meeting provisions and (2) feasibility of remote participation and voting during meetings, including through conference call, videoconference, or other technology. ACIR must conduct the study in consultation with FOIC, the Connecticut Association of Municipal Attorneys, and the state's chief information officer or his designee.

The act requires ACIR to report to the Government Administration and Elections and Planning and Development committees by February 1, 2022. The

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report must include (1) findings, including any challenges encountered; (2) best practice recommendations for implementing the act's remote participation and voting provisions; (3) a feasibility analysis for remote participation and voting during meetings; and (4) funding sources to implement remote participation and voting during meetings using electronic equipment.

EFFECTIVE DATE: Upon passage

§§ 155 & 156 — PAYING FEES ELECTRONICALLY

Allows town clerks and registrars of vital statistics to designate websites for paying recording fees and vital records fees

The act allows town clerks to designate a website for paying recording fees (e.g., recording documents on the land records) and accept payments for these fees through the website in a manner they prescribe. It also allows registrars of vital statistics to similarly designate a website for paying vital records fees (e.g., birth certificates). (Typically, the town clerk serves as the registrar of vital statistics.)

EFFECTIVE DATE: October 1, 2021

§§ 157-175 — ELECTRONIC TRANSACTIONS BY MUNICIPAL PROGRAMS AND ENTITIES

Makes numerous changes allowing municipal entities and other public agencies to conduct business electronically; generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment

The act makes numerous changes allowing municipal entities or programs to conduct business or otherwise operate using electronic means as shown in the table below. Generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment.

The act defines “electronic equipment” for these purposes as any technology facilitating real-time communication between two or more individuals, including telephone, video, or other conferencing platforms.

EFFECTIVE DATE: October 1, 2021, except that most provisions affecting property tax circuit breakers are effective July 1, 2021.

Electronic Transactions Authorized by the Act

§	Municipal Entity or Program	Action	Electronic Option Allowed by the Act
158-159	Discriminatory practices board	Hearing on alleged discriminatory practice	Allows hearing to be conducted by electronic equipment
160	Municipal revenue-	Opportunity for public participation in the	Specifies that public participation may be in

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§	Municipal Entity or Program	Action	Electronic Option Allowed by the Act
	sharing agreements	negotiations between the municipalities	person, writing, or by electronic equipment
161	Foreclosed residential property registration	Registration with town clerk of a residential property on which a plaintiff commences a foreclosure action	Allows registration to be completed electronically in a manner the clerk prescribes
		Registration with clerk of a residential property by the person with whom title vests after a foreclosure (or registration update if the person was the plaintiff in the action)	Allows registration or update to be sent by email
		Notice to clerk by plaintiff or registrant of any change in the registration information	Allows plaintiff or registrant to provide this information by email
162	Parking violation hearings	Notice to vehicle owner or operator of fines, penalties, costs, or fees for alleged parking violations	Allows notice to be sent to the owner's or operator's email address if known
		Request by owner or operator for a hearing before a parking violation hearing officer	Allows owners and operators to make this request by email
		Hearing	Allows hearing to be held in person or by electronic equipment
163-165	Municipal water pollution control authority	Public hearing on sewerage system connection and use charges	Allows hearing to be conducted by electronic equipment Requires that hearing notice be published on municipality's website, as well as in a newspaper as existing law requires
		Charges that are finalized or revised after the public hearing	Requires that copy of the charges be published on municipality's website, as well as in a newspaper as existing law requires (the act retains existing law's requirement that it also be filed in the municipal

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§	Municipal Entity or Program	Action	Electronic Option Allowed by the Act
			clerk's office)
		Public hearings on orders issued to building owners to (1) connect the building to an available sewerage system or (2) construct and connect the building to an alternative sewage treatment system	Allows hearing to be conducted by electronic equipment
166	Boards of assessment appeals	Appeals to board by taxpayers aggrieved by a municipal assessor's actions	Allows taxpayers to file appeals by email in a manner the board prescribes
167	Local chief executive officer, tax assessors, and boards of assessment appeals	Notice to OPM of deadline extensions to assessors' or boards' duties granted by the municipal chief executive officer	Allows notice to be provided by email in a manner the OPM secretary prescribes
		Request by municipality to OPM for a revaluation delay	Eliminates requirement that supporting information provided by board of assessment appeals and chief executive officer be in writing
		Notice to taxpayers of assessment increases in municipalities for which OPM authorizes a revaluation delay	Allows notice to be sent by email
168-169	Renters' Rebate program	Rebate applications filed with municipal assessor	Allows applications to be filed electronically in a manner the OPM secretary prescribes
		Appeals filed with OPM by persons aggrieved by assessor's decision	Allows appeals to be filed electronically in a manner the secretary prescribes
170	Property tax freeze for seniors	Program applications	Requires that applications be made in writing or electronically in a manner the municipal assessor prescribes
		Applicants' income tax returns	Allows taxpayers to present an electronic copy of the return
		Biennial notice by municipal assessor to program participants of reapplication requirements (by law, program participants must	Allows assessors to provide notice electronically at the taxpayer's option

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§	Municipal Entity or Program	Action	Electronic Option Allowed by the Act
		reapply to the program biennially)	
171-172	Property tax circuit breaker for seniors and homeowners with disabilities	Affidavit filed with municipal assessor stating applicant's income; notice of income in excess of program's limits in second year of biennial cycle	Allows affidavit and notice to be filed electronically in a manner the assessor prescribes
		Program application	Allows application to be submitted by email in a manner the OPM secretary or municipal assessor (as applicable) prescribes
		Biennial notice by municipal assessor to program participants of reapplication requirements (by law, program participants must reapply to the program biennially)	Allows assessors to provide notice electronically at the taxpayer's option
		Notice by grantee to municipal assessor of a property transfer by a grantor who was previously approved for the circuit breaker	Allows grantee to provide notice by email in a manner the assessor prescribes
		Notice by tax collector to grantee of any additional tax due after a property transfer	Allows tax collector to provide notice by email at the grantee's option
		Application to assessor for a grant in lieu of a property tax reduction	Allows applicant to submit application by email in a manner the assessor prescribes
		Appeal to the OPM secretary by a person aggrieved by an assessor's decision	Allows person to appeal by email in a manner the secretary prescribes
173-174	Municipal building permits	Permit application	Requires that applications be filed in person, by mail, or by email, in a manner the building official prescribes
		Permit applications containing plans and specifications previously approved by the state building inspector	Allows applications to be delivered in person, by mail, or by email, in a manner the building official prescribes
175	Municipal	Appeals filed with municipal	Allows appeals by email in a

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§	Municipal Entity or Program	Action	Electronic Option Allowed by the Act
	building officials	board of appeals by persons aggrieved by the building official's decision	manner the board prescribes
		Appeals filed with municipal chief executive officer when there is no board of appeals	Allows appeals by email in a manner the chief executive officer prescribes

§ 168 — RENTERS' REBATE APPLICATIONS

Requires municipalities to grant relief to renters from certain notarization requirements imposed by the municipality for program applications

In practice, some municipalities require applicants for the Renters' Rebate program to provide a notarized landlord verification of property rental with their application. The act requires these municipalities to exempt a renter from this requirement if a verification for the same property rental by the same renter was previously notarized. It also prohibits these municipalities from delaying an application's submission to the OPM secretary if the renter misses the notarization deadline but is otherwise qualified.

EFFECTIVE DATE: October 1, 2021

§§ 176 & 178-181 — REGIONAL COUNCILS OF GOVERNMENTS (COG) BYLAWS, SERVICES, AND FUNDING

Makes minor changes to regional COG bylaw and procedural requirements and modifies, beginning FY22, the COG grant funding calculation

COG Bylaws (§ 176)

The act modifies COG bylaw requirements in the following ways:

1. allowing COG representatives to serve more than two consecutive terms in the same position,
2. eliminating a requirement that a COG treasurer be bonded,
3. allowing, rather than requiring, COGs to establish an executive committee for the COG and regional planning commission, and
4. removing the express authorization for the chairman to call meetings.

COGs' Provision of Regional Services (§ 178)

The act requires a COG's member municipalities to affirmatively vote to approve the COG's provision and administration of regional services. It specifies that an interlocal agreement is not required for a COG to provide these regional services.

Regional Performance Incentive Account Grant Amounts (§§ 179-180)

Beginning in FY 22, the act requires the OPM secretary to annually distribute a grant from the regional planning incentive account to each COG in the amount of \$185,500 plus 68 cents per capita. (In practice, this grant is referred to as a regional service grant-in-aid.)

Prior law required the OPM secretary to distribute \$4.1 million from this account to the COGs for each of FYs 20 and 21 (PA 19-117, § 29). From this amount, it required the secretary to allocate to each COG \$125,000 plus 50 cents per capita. COGs composed of one or more planning regions that voluntarily merged before 2014 received an additional \$125,000 for each merged region. Prior law also required the secretary to distribute an additional amount, within available appropriations, based on a formula established by the secretary.

The regional planning incentive account is a separate, nonlapsing General Fund account funded by 6.7% of the revenue generated by the room occupancy tax and 10.7% of the revenue generated by the rental car tax (CGS § 12-411(1)(J)).

Proposed Spending Plan (§ 179)

Under existing law and the act, COGs must annually submit a proposed spending plan to OPM by July 1 to be eligible for a grant that fiscal year. The act authorizes the secretary to establish an approval process for biennial submissions of these spending plans.

The act specifies that the proposed spending plans may describe the following:

1. state or municipal functions, activities, or services that a COG, Regional Education Service Center (RESC), or similar entity may provide in a more efficient, cost-effective, responsive, or quality manner;
2. anticipated cost savings related to sharing government services (e.g., joint purchasing);
3. the standardization and alignment of the state's regions; and
4. other initiatives that may facilitate service delivery to the public in a more efficient, cost-effective, responsive, or quality manner.

MRSA Grant Funding (§ 181)

The act removes the requirement that \$7 million from the municipal revenue sharing account (MRSA) be used to fund COG grants each year and makes conforming changes. It also eliminates obsolete provisions in the MRSA law.

EFFECTIVE DATE: July 1, 2021, except the provision requiring an affirmative vote to authorize a COG to provide and administer regional services (§ 178) is effective upon passage.

§ 177 — REGIONAL PERFORMANCE INCENTIVE PROGRAM (RPIP)

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Modifies the entities and projects that are eligible for RPIP funding and the application requirements and selection criteria

Entities Eligible to Apply

The act limits eligibility to apply for RPIP grants to councils of governments (COG) and regional educational service centers (RESC), or any combination of them. This makes economic development districts, boards of education, and municipalities applying through COGs no longer eligible to apply directly.

Eligible Purposes

The act expands the purposes for which the Office of Policy and Management (OPM) may award the grants to include:

1. redistributing specified state grants to municipalities according to regional priorities (i.e., Small Town Economic Assistance Program, Main Street Investment Fund, Intertown Capital Equipment Purchase Incentive Program, and Local Capital Improvement Fund grants) and
2. revenue sharing among municipalities that have entered certain agreements to do so.

The act removes OPM's ability to award grants for (1) planning studies on joint services and (2) shared information technology services.

As under existing law, OPM may also award the grants for (1) the provision of a service that a member municipality or board of education currently provides, but is not provided on a regional basis, and (2) for regional special education initiatives to RESCs that serve more than 100,000 people.

Application and Other Requirements

As under existing law, applicants must provide certain information to OPM about the proposal and its projected benefits. The act expands the required information to include:

1. an acknowledgment from any employee organization potentially impacted by the proposal that it was informed of, and consulted about, the proposal (under the act, an "employee organization" is a labor or other lawful organization whose primary purpose is to improve wages, hours, and other employment conditions);
2. a resolution from the impacted COG or COGs endorsing the proposal (prior law required endorsement from each participating municipality's legislative body); and
3. a resolution from the applying COG or RESC stating that it will fund at least 25% of the proposal's first year costs and all its costs by the fourth year.

The act also modifies the existing application requirements by specifying that the explanations about (1) economies of scale must pertain to participating members and (2) legal obstacles must also cover how the obstacles will be resolved.

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Additionally, the act specifies that COGs, RESCs, member municipalities, and boards of education are not required to execute an interlocal agreement to implement a proposal.

Selection Criteria

Under the act, the OPM secretary must award grants to proposals that she determines best meet specified criteria, specifically those that:

1. will be available to or benefit all COG or RESC members;
2. demonstrate, compared to existing service delivery, an increased capacity and efficiency; a cost benefit to members; increased cost savings; and a diminished need for state funding;
3. promote cooperation among members that may lead to a reduction in economic or social inequality;
4. were approved by most members; and
5. comply with application requirements about employee labor organizations and proposal funding.

Prior law required OPM to prioritize certain grant proposals (e.g., proposals submitted by boards of education and economic development districts).

The act allows boards of education that are awarded a grant (e.g., through a RESC), and realize cost savings as a result, to deposit those cost savings into an unexpended education fund account.

Reporting Requirements

The act requires applicants to send a copy of their applications to the legislators representing the participating local or regional boards of education. Existing law already requires them to send a copy to the participating municipalities' legislators.

Under existing law, the OPM secretary must annually submit to the governor and Finance, Revenue and Bonding Committee a report that lists the grant amounts, their potential to leverage other public and private investments, and property tax reductions achieved. The act also requires the report to describe any service improvements due to the program.

EFFECTIVE DATE: Upon passage

§ 182 — OUTDOOR DINING ALLOWED AS-OF-RIGHT NEAR FOOD ESTABLISHMENTS

Beginning April 1, 2022, requires municipalities to allow outdoor food and beverage service as an accessory use to a licensed food establishment

The act requires municipalities to allow outdoor food and beverage service (“dining”) as an accessory use to a licensed food establishment (e.g., restaurant or food market). The act’s requirement is not time-limited and applies regardless of conflicting state laws or local ordinances or charters.

Under the act, a food establishment may provide outdoor dining as-of-right

unless it is a nonconforming use (i.e., if the establishment does not comply with current zoning regulations, it is not allowed to offer outdoor dining as-of-right). Under the act, a food establishment must seek an administrative site plan review to determine whether the proposed outdoor dining use conforms with zoning requirements not contemplated by the act (e.g., regulations unrelated to providing pedestrian pathways and parking). If outdoor dining is approved, food establishments can offer it until 9:00 p.m. or later if allowed by the zoning commission.

EFFECTIVE DATE: April 1, 2022

Dining in Pedestrian Pathways

The act specifically allows outdoor dining on public sidewalks and other pedestrian pathways where vehicles are not allowed, if the area used abuts the business and a pathway is provided that meets the act's requirements. Specifically, the pathway must:

1. be constructed in compliance with the federal Americans with Disabilities Act's (ADA) physical accessibility guidelines;
2. extend for the length of the lot (parcel);
3. be at least four feet wide (excluding any portion that is on a street or highway); and
4. remain unobstructed for pedestrian use.

The municipal official or agency that issues right-of-way or obstruction permits may impose reasonable conditions on using a pedestrian pathway for outdoor dining.

Dining in Parking Areas and Other Open Areas

The act also allows outdoor dining (1) in off-street parking spaces associated with the business and (2) on any lot, yard, court, or open space abutting the food establishment. The act specifies that these non-parking areas can be used for outdoor dining if:

1. they are in a zoning district that allows food establishments;
2. the use complies with any applicable requirements for access or pathways under the ADA's physical accessibility guidelines; and
3. the owner of these non-parking areas gives written permission, a copy of which must be provided to the zoning commission.

Background — Related Act

SA 21-3, signed by the governor on March 31, 2021, generally incorporates the outdoor dining and retail provisions contained in Executive Order (EO) 7MM (2020), as amended by subsequent EOs, and extends them until March 31, 2022.

§ 183 — GREENHOUSE GAS REDUCTION FEE CHANGES

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Makes several changes related to the greenhouse gas reduction fee charged on vehicle registrations, principally to establish proportional fees for triennial registrations

By law, a greenhouse gas reduction fee is assessed on passenger, motor home, combination, and antique vehicle registrations. Prior law set the fee at \$10 for two-year registrations of new vehicles and \$5 for two-year new or renewal registrations of used vehicles. Under existing law, however, the initial registration term is generally three years (e.g., CGS § 14-49(a)) and the DMV commissioner may, generally, renew most registrations for either two or three years (e.g., CGS § 14-22(a)).

The act makes several changes to account for triennial registrations. It eliminates the \$10 fee for two-year registrations of new vehicles and replaces it with a \$15 fee for three-year registrations. The act also establishes a \$7.50 fee for three-year new or renewal registrations on used vehicles while maintaining the \$5 biennial fee in existing law.

Relatedly, prior law also set the greenhouse gas reduction fee at \$5 for people age 65 or older for one-year registrations of new passenger motor vehicles and \$2.50 for a one-year new or renewal registration of used passenger vehicles. However, state law does not allow a one-year period for new registrations; it is only available to these individuals at the time of renewal (CGS § 14-49(a)). Thus, the act eliminates erroneous provisions for fees on new one-year registrations.

The act also makes a technical change. (PA 21-40, § 22, makes additional technical changes.)

EFFECTIVE DATE: Upon passage

§ 184 — COLUMBIA CHARTER REVISION PROCESS

Validates the initiation of Columbia's charter revision process

The act validates the initiation of Columbia's charter revision process, including the appointment and composition of the charter revision commission members. The act deems legally valid any acts by the town's officers and officials (including the commission) taken in reliance on the board of selectmen's actions on September 1, 2020. And the act applies despite the statute on commission appointment and any other statute, special act, charter, or ordinance that may prescribe different processes or requirements.

EFFECTIVE DATE: Upon passage

§§ 185-186 — DESIGNATION OF VARIOUS DAYS, WEEKS, AND MONTHS

Requires the governor to annually proclaim various days, weeks, and months as times of awareness or observation of different issues and causes

The act changes Advance Directive Awareness Day under prior law to Advance Directive Awareness Week and extends it to include the week of April 16 each year. It also requires the governor to annually proclaim the following:

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1. the second week of February to be Kindness Week, to promote acts of kindness among the state's residents;
2. the month of March to be Peace Corps Month, in recognition of Peace Corps volunteers' service in supporting the global community;
3. May 13 to be Xeroderma Pigmentosum Awareness Day, to raise awareness of this genetic disorder characterized by an extreme sensitivity to ultraviolet rays;
4. the second Sunday of June to be Connecticut Race Amity Day, to reflect and affirm the dignity of Connecticut residents' diverse racial, cultural, and religious backgrounds;
5. the last week of June to be Social Media Safety and Awareness Week, to raise awareness of social media usage's potential effect on mental health and social media safety; and
6. the month of September to be Brain Aneurysm Awareness Month, to raise public awareness of the associated presentation and available treatments for brain aneurysms.

Under the act, suitable observance exercises may be held in the State Capitol and elsewhere as the governor designates.

EFFECTIVE DATE: Upon passage, except that the provision on Advance Directive Awareness Week is effective October 1, 2021.

§§ 187, 188 & 478 — ROAD AND BRIDGE NAME CHANGES

Corrects road and bridge naming provisions that passed in regular session

The act corrects three road and bridge naming provisions that passed in PA 21-175.

EFFECTIVE DATE: Upon passage

§ 189 — TASK FORCE ON THE STATE WORKFORCE AND RETIRING EMPLOYEES

Establishes a task force to study issues related to managerial and exempt state employees' retirements and barriers to recruitment

The act establishes an 18-member task force to study the state workforce and retiring employees. The study must at least (1) examine adequate succession planning for state employees in order to recruit and maintain the best talent in the state workforce and (2) review barriers to managerial recruitment.

The task force must submit a report on its findings and recommendations to the Labor and Public Employees and GAE committees by January 1, 2022. This report must at least review:

1. the number of managerial and exempt employees eligible to retire from the task force's convening through the end of 2022;
2. executive branch agency succession planning to prepare for retirements; and
3. barriers to recruitment into the managerial and exempt workforce

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including, (a) parity in pay structure and health care insurance contributions compared to employees in collective bargaining units, (b) salary compression and inversion among managerial employees and employees in collective bargaining units, and (c) opportunities for professional development and continuing education.

Under the act, the task force's members include (1) the chairpersons and ranking members of the Labor and Public Employees and GAE committees; (2) one appointed by each of the six top legislative leaders; and (3) four appointed by the task force's chairpersons. Of the chairperson-appointed members, one must be an executive branch employee in the MP (i.e., managerial) pay plan, one must be a judicial employee in the MP pay plan, one must be a higher education employee in the MP pay plan, and one must represent an organization that advocates for the rights of managerial employees in the state.

The act requires that all initial appointments to the task force be made within 30 days after the act passes (i.e., July 23, 2021). Any of the appointments made by the legislative leaders may be a state legislator, and any vacancy must be filled by the appointing authority.

The act makes the Labor and Public Employees Committee chairpersons the task force's chairpersons and requires them to schedule and hold the task force's first meeting within 60 days after the act passes (i.e., August 22, 2021). The Labor and Public Employees Committee's administrative staff must serve as the task force's administrative staff.

The task force terminates when it submits its required report or on January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

§ 190 — STATE AGENCY PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT (PPE)

Generally, requires state agencies to make reasonable efforts to buy PPE from companies that changed their business model to respond to the COVID-19 pandemic

The act requires the DAS commissioner, by October 1, 2021, to compile and post on the department's website, a list of Connecticut companies that changed their business model to produce personal protective equipment (PPE) to respond to the COVID-19 pandemic during the governor's March 10, 2020, public health and civil preparedness emergency declarations and any extensions. The commissioner must also periodically update the list.

Regardless of any state law, beginning August 1, 2021, the act requires state agencies, when purchasing PPE, to make reasonable efforts to purchase at least 25% of the equipment from the listed companies. The requirement does not apply if the equipment is not available for purchase or does not meet the agency's requirements.

The act specifies that it does not (1) require purchasing PPE that is expired or does not meet industry standards or (2) waive any required competitive bidding requirements.

By July 31, 2021, and annually thereafter, the act requires the DAS

commissioner to submit a report with the most recent list to the Appropriations and Commerce committees.

EFFECTIVE DATE: Upon passage

§ 191 — AUTHORIZATION FOR BANKING ACTIVITIES AT REMOTE LOCATIONS

Allows the banking commissioner to establish a process for licensed activities to be conducted from locations other than a registered office

Existing law generally requires individuals to conduct activities licensed or regulated by the Department of Banking at a registered office. The act authorizes the banking commissioner to establish a process to allow individuals to conduct these activities from other locations as well.

EFFECTIVE DATE: July 1, 2021

§ 192 — ENERGY AND ENVIRONMENTAL LEASE FINANCING

Imposes an aggregate cap of \$15 million on the principal amount for energy consumption and environmental impact leases to improve state-owned buildings

The act caps at \$15 million the aggregate principal amount for state agency energy consumption and environmental impact leases. The cap applies to leases in effect on or after July 1, 2021, that are:

1. entered into by the state directly or through a state agency to improve state-owned buildings,
2. to reduce energy consumption or environmental impacts, and
3. not otherwise exempt from the cap by law.

Under the act, state agencies include any office, department, board, council, commission, institution, higher education constituent unit, technical education and career school, and other agency in the executive, legislative, or judicial branch.

EFFECTIVE DATE: July 1, 2021

§ 193 — GREEN BUILDING CONSTRUCTION STANDARDS

Requires DEEP to adopt regulations that establish construction standards for certain state-funded building projects by reference to a nationally recognized model for sustainable construction codes that promotes high-performance green buildings

By law, the Department of Energy and Environment Protection (DEEP) must adopt regulations that establish construction standards for certain state-funded building projects. Prior law required that these regulations be based on a nationally recognized model for sustainable construction codes that promotes constructing high-performance green buildings that, among other things, (1) have reduced emissions; (2) are designed to conserve water resources and promote sustainable and regenerative materials cycles; and (3) provide enhanced resilience to natural, technological, and human-caused hazards.

The act requires that these regulations adopt the same nationally recognized

model for sustainable construction codes by reference, rather than being based on them. It extends the deadline for DEEP to do so from January 1, 2020, to January 1, 2022. It also limits amendments to the construction standards to (1) administrative matters; (2) geotechnical- and weather-related portions of the standards; (3) amendments required by state statute; and (4) any other matter that, based on substantial evidence, requires amending the standards.

By law, the regulations apply to constructing or renovating state facilities and public schools that meet certain cost and funding thresholds. However, the DEEP commissioner, in consultation with the Department of Administrative Services (DAS) commissioner and the Institute for Sustainable Energy, must exempt facilities from the regulations if she, in consultation with the Office of Policy and Management secretary and DAS commissioner, finds that complying would not be cost effective (CGS § 16a-38k).

EFFECTIVE DATE: July 1, 2021

§ 194 — NON-UNION STATE EMPLOYEE RIGHTS AND BENEFITS

Requires, rather than allows, the DAS commissioner to give unclassified or non-union state employees in the executive and judicial branches the same rights and benefits provided by state employee collective bargaining agreements

The act requires the DAS commissioner to issue orders that grant executive or judicial branch employees who are exempt from the classified service or not covered by a collective bargaining agreement (CBA) at least the same rights and benefits as those granted to employees in the classified service or covered under those agreements. Prior law allowed the commissioner to do this.

The act similarly requires, rather than allows, the commissioner to issue orders that make the retirement benefits for state employees exempt from the classified service or not covered by a CBA the same as those most frequently provided under the terms of approved CBAs at the time of the adjustment.

Under existing law, unchanged by the act, (1) the board of trustees of any constituent unit of the state higher education system may issue orders that give the board's unclassified employees at least the same rights and benefits as those granted to board employees covered by a CBA and (2) the above orders from DAS or a board of trustees are subject to the OPM secretary's approval.

EFFECTIVE DATE: July 1, 2021

§ 195 — HARBOR MASTERS

Gives the governor more discretion in appointing harbor masters in municipalities in which a local harbor management commission has not submitted at least three nominees

Existing law (1) requires the governor to appoint a harbor master for Branford, Bridgeport, New Haven, New London, Norwalk, Norwich, Stamford, and Stonington harbors and (2) authorizes him to appoint harbor masters and deputy harbor masters for any municipality with navigable waters. Under prior law, if the municipality adopted a harbor management plan, the governor had to choose from a list of at least three nominees submitted by the local harbor

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management commission when making these appointments. The act maintains this general rule but provides an exception for when a harbor management commission does not submit at least three nominees. In those cases, the act allows the governor to appoint any of the commission's nominees or any other person the governor deems qualified.

By law, harbor masters are (1) responsible for the general care and supervision of the harbors and navigable waterways over which they have jurisdiction and (2) subject to the direction and control of the DEEP commissioner.

EFFECTIVE DATE: July 1, 2021

§§ 196 & 197 — CONFORMING CHANGES TO HIGHER EDUCATION COORDINATING COUNCIL REPEAL

Makes conforming changes related to the repeal of the Higher Education Coordinating Council

The act makes conforming changes related to the repeal of statutes establishing the Higher Education Coordinating Council (HECC) (see § 493).

EFFECTIVE DATE: Upon passage

§ 198 — ROBERTA B. WILLIS SCHOLARSHIP PROGRAM ADMINISTRATIVE ALLOWANCE INCREASE

Increases the Roberta B. Willis Scholarship program administrative allowance, from \$100,000 to \$350,000 for one fiscal year

The Roberta B. Willis Scholarship program is a state-funded scholarship available to Connecticut residents who attend an in-state public or private higher education institution. By law, the scholarship program receives an administrative allowance of \$100,000 or 0.25% of the annual appropriation, whichever is greater.

The act increases the administrative allowance to the greater of \$350,000 or 0.25% of the annual appropriation for FY 22.

EFFECTIVE DATE: July 1, 2021

§§ 199 & 200 — PHYSICIAN ASSISTANT LICENSE RENEWAL FEE

Reinstitutes the previous \$155 physician assistant licensure renewal fee by eliminating an inadvertent \$5 decrease

The act increases, from \$150 to \$155, the annual licensure renewal fee for physician assistants. In doing so, it restores the fee to the level before an inadvertent \$5 decrease in PA 21-121 (§§ 93 & 94).

The act also makes a conforming change (§ 200).

EFFECTIVE DATE: July 1, 2021

§ 201 — STATE CONTRACTING STANDARDS BOARD FUNDING LAPSE

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Requires that part of the biennial budget act's appropriation for SCSB lapse on July 1 in FYs 22 and 23

The act requires that a portion of the biennial budget act's (SA 21-15) appropriation for the State Contracting Standards Board (SCSB) lapse on July 1 in both FYs 22 and 23, as shown in the table below.

SCSB Funding Lapse, FYs 22 & 23

FY	Amount Appropriated in SA 21-15 (§ 1)	Amount Lapsing on July 1
22	\$624,994	\$449,124
23	637,029	454,355

EFFECTIVE DATE: July 1, 2021

§ 202 — YOUTH SERVICES PREVENTION GRANTS

Changes two allocations for Youth Services Prevention grants under the FY 22-23 budget

The act makes the following changes to the Youth Services Prevention grants allocated under the FY 22-23 budget bill (SA 21-15, § 31):

1. the amount allocated to Valley Save Our Youth (\$75,000 in each fiscal year) must be awarded via TEAM, Inc. and
2. the amount allocated to CCSU (\$50,000 in each fiscal year) must instead be awarded to UConn for the Institute for Municipal and Regional Policy.

EFFECTIVE DATE: July 1, 2021

§§ 203, 232-233, 236-237 & 253-256 — OFFICE OF WORKFORCE STRATEGY

Establishes OWS as a replacement to OWC and generally transfers to OWS' chief workforce officer functions and duties formerly assigned to the labor commissioner and OWC; generally shifts appropriations from DECD for OWS to the Governor's Office for OWS for FYs 22-23; establishes additional OWS duties and reporting requirements

The act eliminates the Office of Workforce Competitiveness (OWC) within the Department of Labor (DOL) and replaces it with a new Office of Workforce Strategy (OWS) that the act establishes. The act places OWS within the Office of the Governor for administrative purposes only.

The biennial budget act (SA 21-15, § 1) appropriated \$250,000 to DECD in both FYs 22 and 23 for OWS. The act rescinds the appropriations and instead appropriates \$250,000 each in FYs 22 and 23 to the Governor's Office for OWS. This conforms with the act's placement of OWS within the Governor's Office for administrative purposes only.

The act establishes the position of chief workforce officer as OWS's department head, subject to confirmation through the Executive and Legislative

Nominations Committee and with the powers and duties otherwise established under existing law for department heads (CGS §§ 4-5 to 4-8). The chief workforce officer is appointed by the governor. He or she must have knowledge of publicly funded workforce training programs and possess the training and experience to perform the duties described below. The act transfers to the chief workforce officer the workforce development-related functions and duties that were formerly assigned to the labor commissioner and OWC, including those described below.

Chief Workforce Officer's Functions and Duties (§§ 203, 232-233, 236-237 & 256)

Lead Official and Principal Advisor on Workforce Policy. Under prior law, DOL served as the lead state agency for developing employment and training strategies and initiatives needed to support Connecticut's position in the knowledge economy. The DOL commissioner, with OWC's assistance, served as the governor's principal workforce development policy advisor and the liaison with local, state, and federal workforce development agencies. She coordinated (1) the state's implementation of the federal Workforce Innovation and Opportunity Act of 2014 (WIOA) (see *Background*) and (2) state agencies' workforce development activities.

The act generally transfers these functions and duties to the chief workforce officer, designating him or her as the (1) lead state official for developing employment and training strategies and initiatives and (2) governor's principal advisor for workforce development policy, strategy, and coordination. The act requires the chief workforce officer to coordinate the state's role in implementing WIOA, including issuing guidance as necessary. He or she must do so on behalf of the governor and Governor's Workforce Council (i.e., formerly known as the Connecticut Employment and Training Commission (CETC)), and in consultation with the DOL commissioner, who must offer any resources he can make available for this purpose.

Under the act, the chief workforce officer must additionally serve as the liaison with the Governor's Workforce Council and regional workforce development entities.

Workforce Cabinet. The act requires the chief workforce officer to chair a workforce cabinet comprising the state agencies involved in employment and training. (Existing law requires the governor to designate these agencies and requires their department heads to annually report specified information.) The workforce cabinet must meet at the governor's or chief workforce officer's direction.

Governor's Workforce Council. OWS must (1) provide staff support, and any other resources the chief workforce officer can make available, to the Governor's Workforce Council and (2) coordinate all necessary support that other state agencies make available.

State Workforce Strategy. The act requires the chief workforce officer to develop a state workforce strategy and update it as necessary. The strategy must

be developed in consultation with the Governor's Workforce Council and the Workforce Cabinet and approved by the governor.

Under the act, the chief workforce officer must submit the state workforce strategy to the Appropriations, Commerce, Education, Higher Education and Employment Advancement, and Labor and Public Employees committees at least 30 days before submitting it to the governor.

State and WIOA-Funded Programs. Under the act, the chief workforce officer must coordinate workforce development activities (1) funded through state resources or WIOA funds or (2) administered in collaboration with a state agency, to further the goals and outcomes of the state workforce strategy and the Governor's Workforce Council's workforce development plan.

Public, Legislative, and Local Official Involvement. The act transfers to the chief workforce officer the requirement to establish systems to ensure the maximum involvement of the public, legislature, and local officials in workforce development policy, strategy, and coordination. In doing so, it eliminates prior law's requirement that this involvement extend to the state's implementation of WIOA.

Contractual Agreements. The act transfers to the chief workforce officer the authorization to enter into contractual agreements to carry out OWS's purposes, but it requires him or her to do so in conjunction with one or more state agencies and with the Office of Policy and Management (OPM) secretary's approval. It also allows the chief workforce officer to enter into agreements with other state agencies to perform OWS duties, including administrative, human resources, finance, and information technology functions.

Agency Guidance. The act requires the chief workforce officer to (1) issue guidance to state agencies, the Governor's Workforce Council, and regional workforce development boards to further the state workforce strategy and the council's workforce development plan and (2) consult with these entities on the guidance's development and implementation. This guidance must (1) be approved by the OPM secretary, (2) allow for a reasonable implementation period, and (3) take effect at least 30 days after OPM approves it.

Expenditure of ARPA Funds. To support workforce development initiatives under state and federal law, the act allows OWS to spend federal American Rescue Plan Act (ARPA) funds the state receives.

Other Duties. The chief workforce officer must also:

1. collaborate with the regional workforce development boards to adapt their best practices for statewide implementation, if possible;
2. coordinate the measurement and evaluation of education and workforce development program outcomes with state agencies, including DOL, the State Department of Education (SDE), and OPM;
3. review the WIOA state plan (which outlines Connecticut's four-year workforce development strategy) for each of the workforce development system's core programs, before the plan is submitted to the governor;
4. market and communicate the state workforce strategy to ensure maximum engagement with students, trainees, job seekers, and businesses, and elevate the state's national workforce profile;

5. identify certain subject areas, courses, curriculum, content, and programs that private sector specialists may offer to students in elementary and high school to improve student outcomes and meet the state's workforce needs (existing law allows private sector specialists to donate their teaching services under certain conditions);
6. coordinate, in consultation with DOL, with regional workforce development boards to ensure compliance with state and federal laws to expand the service capabilities of programs offered under WIOA and the U.S. DOL's American Job Center system;
7. coordinate, in consultation with the Department of Social Services, with community action agencies to further the state workforce strategy;
8. identify state workforce shortage areas that boards of education may use to inform their expansion of academic offerings;
9. collaborate with the State Board of Education (SBE) to provide transition resources, services, and programs to children requiring special education and related services;
10. identify, establish, and update a career ladder for jobs in the green technology industry; and
11. take other action as necessary to accomplish these duties.

Workforce Data (§ 203)

Prior law authorized DOL, with OWC's assistance, to ask any state office, department, board, commission, or agency to provide reports, information, and assistance that is necessary or appropriate for DOL to carry out its duties and requirements. The act (1) transfers this authorization to the chief workforce officer; (2) expands it by allowing him or her to request data from these agencies and entities; and (3) explicitly allows the officer to make the requests to public colleges and universities. The act makes conforming changes requiring these entities to provide OWS with requested data, but also specifies that entities may do so only to the extent allowed under state and federal law.

However, the act requires any data requests from an agency participating in CP20 WIN to be submitted through CP20 WIN according to its established policies and procedures. CP20 WIN longitudinally matches and links the data of state agencies and other organizations to audit and evaluate federal and state education programs and inform policy and practice for education, workforce, and supportive service efforts (see § 250 below).

Reports to the Legislature (§ 203)

Beginning by October 1, 2022, the act requires the chief workforce officer to annually submit a report on the state's workforce development to the governor and the Appropriations, Commerce, Education, Higher Education and Employment Advancement, and Labor and Public Employees committees. At a minimum, the report must include information on OWS's programs and the number, demographics, and outcomes of people they serve.

The act also eliminates the requirement that DOL annually report to

legislative committees on its two- and five-year forecast of workforce shortages by occupation.

Background — Workforce Innovation and Opportunity Act (WIOA)

WIOA provides federal funds to states for a range of career services, job training, education, and related services and supports. It authorizes six core programs, including the Adult, Dislocated Worker, and Youth programs. The law requires each state to submit a state plan that outlines a four-year strategy for the state's workforce development system.

EFFECTIVE DATE: July 1, 2021

§ 204 — STATE WORKFORCE STRATEGY UPDATES

Requires the chief workforce officer to submit to the governor recommendations for updates to the state workforce strategy relating to certain individuals' needs and Two-Generational Advisory Board recommendations

The act requires the state's chief workforce officer in the Office of Workforce Strategy, by January 1, 2022, to submit to the governor recommendations for updates to the state workforce strategy. These recommendations must address certain individuals' needs, including those who are disabled, have a criminal background, or were recently released from prison; veterans; and the long-term unemployed. They must include recommendations advised by the Two-Generational Advisory Board, which, under existing law, advises the state, legislature, and OPM secretary on how to foster family economic self-sufficiency in low-income households through a comprehensive two-generational service delivery approach for early child care, education, and workforce readiness.

EFFECTIVE DATE: July 1, 2021

§ 205 — OFFICE OF WORKFORCE STRATEGY ACCOUNT

Establishes a new OWS account in the General Fund to fund workforce training programs and the office's administrative expenses; requires the chief workforce officer to report to the legislature and governor on these programs and the individuals they served

The act establishes the OWS account as a separate, nonlapsing General Fund account and requires OWS to use it to fund workforce training programs and support the office's administrative expenses. The act requires the account to contain any moneys the law requires to be deposited in it, along with any funds received from public or private contributions, gifts, grants, donations, bequests, or devises.

Additionally, the act allows OWS to enter into contracts or agreements with UConn, the Connecticut State Universities, the regional community-technical colleges, Charter Oak State College, and regional workforce development boards relating to the OWS account.

Under the act, the chief workforce officer, in consultation with the DOL

commissioner and regional workforce development boards, must do the following:

1. ensure that, as appropriate, participants in a workforce training program funded through the OWS account also enroll in additional workforce development programs to minimize duplication across existing programs and leverage federal funds and
2. establish funding eligibility criteria for workforce training programs to meet in-demand occupations' workforce needs.

Annually, beginning by October 1, 2022, and ending October 1, 2025, the chief workforce officer must report to the governor and the Commerce; Education; Finance, Revenue and Bonding; Higher Education and Employment Advancement; and Labor and Public Employees committees on the workforce training programs funded through this account. The report must, at a minimum, provide information on the number, demographics, and outcomes of the individuals who have completed these programs.

EFFECTIVE DATE: July 1, 2021

§ 206 — CREDENTIALS OF VALUE

Requires OWS, in consultation with other state entities, to establish standards to designate certain credentials as "credentials of value"

The act requires OWS to establish standards to designate certain credentials as "credentials of value." OWS must establish these standards in consultation with the Chief Data Officer, UConn Board of Trustees, Board of Regents for Higher Education (BOR), labor and education commissioners, Office of Higher Education (OHE) executive director, and any other stakeholder identified by the chief workforce officer. These standards may include (1) meeting the workforce needs of Connecticut's employers, (2) completion rates, (3) net cost, (4) whether the credential transfers to or stacks onto another credential of value, (5) average time to completion, and (6) types of employment opportunities and earnings available upon completion.

The act prohibits OWS from requiring credential providers to submit an application or any other information to be designated as a "credential of value."

EFFECTIVE DATE: July 1, 2021

§ 207 — CREDENTIALS AND SKILLS REPORT

Requires the chief workforce officer to report biennially on certain credentials, skills, and associate degree programs, starting by September 1, 2022

By September 1, 2022, and then biennially until September 1, 2028, the act requires the chief workforce officer to submit a report to the governor, BOR, and the Commerce and Higher Education and Employment Advancement committees on the following topics:

1. in-demand credentials (i.e., documented awards such as degrees or certificates issued by authorized bodies) and skills in the labor market that

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lead to quality jobs and

2. models and examples of associate degree programs that result in students earning an industry-recognized credential in 12 months that is a pathway to one or more bachelor's degree programs.

EFFECTIVE DATE: July 1, 2021

§ 208 — CONNECTICUT APPRENTICESHIP AND EDUCATION COMMITTEE

Makes the committee's annual reporting requirement optional; adds an OWS representative to the committee's membership

By law, the Connecticut Apprenticeship and Education Committee must coordinate and identify (1) potential training integration among apprenticeship programs and (2) funding sources for high school and higher education career and technical education programs for careers in various industries. The act makes the committee's report to legislative committees optional, rather than required, and also removes its required annual frequency. This report addresses whether current apprenticeship training programs for Connecticut residents are meeting workforce needs.

Additionally, the act replaces the Connecticut Employment and Training Commission's committee representative with one from the Office of Workforce Strategy.

EFFECTIVE DATE: July 1, 2021

§§ 209, 230 & 238-246 — OWS MEMBERSHIP ON BOARDS AND COMMITTEES

Adds the state chief workforce officer to 10 existing boards and commissions; adds an OWS representative to DECD's Technology Talent Advisory Committee; makes various related changes to these entities' membership

The act places the state's chief workforce officer, or his or her designee, on the following existing boards or commissions:

1. Council of Advisors on Strategies for the Knowledge Economy,
2. Connecticut State Apprenticeship Council,
3. SBE,
4. Education Commission of the States,
5. Board of Regents for Higher Education (BOR),
6. New England Board of Higher Education (NEBHE),
7. Connecticut Higher Education Supplemental Loan Authority (CHESLA),
8. Manufacturing Innovation Advisory Board,
9. CTNext board of directors, and
10. Technical Education and Career System (TECS) board (i.e., vocational-technical education high school board).

It also (1) replaces CETC with the Governor's Workforce Council as an appointing authority for two TECS board members; (2) places an OWS representative on the Technology Talent Advisory Committee, which the DECD

commissioner appoints; and (3) removes obsolete language (§§ 209 & 244).

Council of Advisors on Strategies for the Knowledge Economy (§230)

By law, the council promotes university-industry partnership formation, identifies benchmarks for technology-based workforce innovation, and advises the award process for certain higher education innovation and student outreach and development grants. The act adds increases the council's membership from nine to 10 by adding the chief workforce officer.

Connecticut State Apprenticeship Council (§ 238)

The act expands the council membership from 12 to 13 members and adds the chief workforce officer as one of the two members who must represent the public on the council. Under prior law, the labor commissioner was the only member designated to represent the public. The act also allows both the chief workforce officer and the labor commissioner to be represented on the council by a designee.

The act also allows, rather than requires, the council to annually prepare a report by August 1 to be included with the labor commissioner's report to the governor.

SBE (§ 239)

The act adds the chief workforce officer to SBE as a nonvoting ex-officio member. By law and unchanged by the act, the Connecticut State Colleges and Universities (CSCU) president and the TECS board chairperson also serve on the board as nonvoting, ex-officio members.

Representatives to the Education Commission of the States (§ 240)

By law and unchanged by the act, the House speaker, House minority leader, Senate president pro tempore, and Senate minority leader each make an appointment to represent Connecticut as members of the Education Commission of the States. The act creates four new gubernatorial appointments, two of whom are the education commissioner and the chief workforce officer. Also, the governor, or his designee, serves as an ex-officio member of the commission.

BOR (§ 241)

By law, BOR is the governing body for the regional community-technical college system, the Connecticut State Universities, and Charter Oak State College. The act expands BOR's ex-officio, nonvoting members to include the chief workforce officer. Under existing law and unchanged by the act, the commissioners of education, economic and community development, labor, and public health are also ex-officio, nonvoting members.

NEBHE (§ 242)

The act changes Connecticut's eight appointments to NEBHE. The board oversees the New England Higher Education Compact that aims to provide greater educational opportunities and services throughout New England.

Under prior law, the governor appointed two state residents with the approval of the General Assembly. The act instead makes these appointments the education commissioner and the chief workforce officer, or their designees. It also removes the requirement for General Assembly approval.

Under prior law, the Senate president pro tempore appointed three: one state senator and two state residents. The act changes the two state resident appointments, specifying that one must represent the Connecticut State Universities and the other the regional community-technical colleges, who are each recommended by the CSCU president. The House speaker also appointed three under prior law: one House member and two state residents. The act changes the resident appointments to one representing UConn, recommended by the UConn president, and one representing the state's independent colleges and universities.

Also, the act changes the terms of the governor's appointees from six years to four and makes a conforming change to specify that any members appointed as of July 1, 2021, may continue to serve the remainder of their terms.

CHESLA (§ 243)

The act expands the CHESLA board of directors from 9 to 10 members by adding the chief workforce officer, or his or her designee, as an ex-officio voting member. By law, other members of the board include the state treasurer, the Office of Policy and Management secretary, and the CSCU president, or their designees.

The act also repeals obsolete language governing the deadlines for previously appointed board members.

CHESLA is a quasi-public state agency that assists student and parent borrowers with financing or refinancing higher education costs.

Manufacturing Innovation Advisory Board (§ 245)

The act adds the chief workforce officer, or his or her designee, to the Manufacturing Innovation Advisory Board. The board is chaired by the DECD commissioner, or his designee, and board members must have skill, knowledge, and experience in specified areas of manufacturing. The act also repeals obsolete language.

CTNext (§ 246)

The act expands the board's membership from 11 to 12 members by adding the chief workforce officer as an ex-officio member. By law and unchanged by

the act, the executive director of Connecticut Innovations, Incorporated and the DECD commissioner also serve as ex-officio members. It also requires that half of the board's membership, rather than a majority, be composed of serial entrepreneurs representing a diverse range of growth sectors of the Connecticut economy.

EFFECTIVE DATE: July 1, 2021

§ 210 — EMPLOYMENT SERVICES FOR TANF RECIPIENTS

Removes CETC as an optional administration and services provider for DOL contracts for employment services delivery for TANF recipients

By law, the Department of Labor (DOL) must negotiate, establish, modify, extend, suspend, or terminate contracts to deliver employment services to temporary assistance for needy families (TANF) recipients. Prior law allowed DOL to provide administration and services directly or through the CETC or regional workforce development boards. The act removes CETC as an optional provider.

EFFECTIVE DATE: July 1, 2021

§§ 211, 214-215, 224 & 235 — GOVERNOR'S WORKFORCE COUNCIL

Replaces the Connecticut Employment and Training Commission with the Governor's Workforce Council while carrying some of the Commission's prior duties forward and adding others

The act creates the Governor's Workforce Council and makes it the successor to the Connecticut Employment and Training Commission (CETC), aligning the statutes to Governor Lamont's Executive Order No. 4, signed on October 29, 2019. This executive order required CETC to also be known at the Governor's Workforce Council and, among other things, designated the council as the governor's principal advisor on workforce development issues.

Generally, existing law and the act transfer and assign to the council, as CETC's successor, CETC's functions, powers, and duties and, among other things, the governor may transfer appropriations from CETC to the council (CGS §§ 4-38d & 4-39). However, the act makes several changes from prior law, including locating the council within OWS (which is within the Office of the Governor for administrative purposes only) rather than within DOL as was the case for CETC.

The act also makes several conforming changes, including eliminating a reference to a statute containing duties for CETC that the act repeals (§ 235).

Duty Changes (§§ 211, 214 & 224)

The act requires the Governor's Workforce Council to carry out the duties and responsibilities of a state workforce board under the federal Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128) instead of according to other federal laws (which are obsolete). It also requires the council to carry out WIOA-related

responsibilities the governor may direct rather than the duties and responsibilities of related entities.

The act removes many duties previously assigned to CETC relating to employment training programs, including:

1. reviewing all Connecticut employment and training programs to determine whether they produce economic self-sufficiency and serve the needs of the state's workers, employers, and economy;
2. reviewing and commenting on all employment and training programs enacted by the legislature;
3. developing and overseeing a plan for continuously improving the regional workforce development boards;
4. developing incumbent worker and vocational and manpower training programs, including customized job training programs;
5. developing a strategy for (a) providing comprehensive services to eligible youths, including youth pre-apprentice and apprentice programs, and (b) improving linkages between academic and occupational learning and other youth development activities; and
6. coordinating an electronic state hiring campaign to encourage employers to reemploy and retain workers age 50 or older.

The acts replaces these duties with the following ones:

1. making recommendations to the legislature about the formula for allocating federal WIOA funds and
2. convening state agencies, educational institutions, business leaders, and others to inform state workforce development policy, help state agencies and educational institutions align with employers' needs, and help businesses understand how to contribute to the state's workforce efforts.

Additionally, the act requires the council to support WIOA implementation in general, rather than implement the act directly. Relatedly, it eliminates numerous duties related to direct WIOA implementation that prior law assigned to CETC.

The act also expressly transfers the following CETC duties in prior law to the council: (1) receiving DOL's annual employment services evaluation report and (2) collecting and analyzing data on state-supported training programs that measure the presence of gender or other systematic bias and working with the relevant boards and agencies to correct any problems found.

Council Membership (§ 215)

The act establishes the Governor's Workforce Council's membership pursuant to WIOA. The table below lists the appointing authorities and required expertise for this 51-member council. (Comparatively, prior law required the CETC to be a 24-member commission with the majority of members representing business and industry and the remainder representing state and local governments, organized labor, education, and community-based organizations.)

Governor's Workforce Council Membership

<i>Appointing Authority</i>	<i>Required Expertise for Appointee(s)</i>
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<i>Appointing Authority</i>	<i>Required Expertise for Appointee(s)</i>
N/A	Governor
House speaker	One member of the House of Representatives
Senate president pro tempore	One member of the Senate
Governor	<p>24 members, at least one of whom must represent small businesses, who are:</p> <ul style="list-style-type: none"> • business owners, chief executives or business operating officers, or other business executives or employers with optimum policymaking or hiring authority; • representatives of businesses or organizations representing businesses that provide high-quality training for in-demand industry sectors or occupations in the state; or • nominated by state business organizations or business trade associations <p>Four labor organization representatives nominated by state labor federations</p> <p>One person who is either a (1) labor organization member or (2) training director from a joint labor-management apprenticeship program or, if no program exists in Connecticut, an apprenticeship program representative in the state</p> <p>Five representatives of community-based organizations with experience addressing employment, training, or education, including one from a community action agency and another from a philanthropic organization</p> <p>One representative from the Connecticut State Colleges and Universities</p> <p>One representative from UConn</p> <p>One representative from a nonprofit</p>

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Appointing Authority	Required Expertise for Appointee(s)
	Connecticut higher education institution Two public school superintendents Two chief municipal elected officials Two members of the public who are enrolled in or have recently completed a nondegree workforce training program
N/A	Labor, aging and disability services, education, and economic and community development commissioners or their designees
N/A	OWS's chief workforce officer or his or her designee

The act requires the appointing authorities to appoint members in a way that reflects the state's diversity, including geographic, gender identity, racial, and ethnic diversity. It requires any appointments made before October 1, 2021, to expire on that date.

Additionally, the act requires the governor to appoint the council's chairperson from among the above set of 24 business-related members he appoints. It also makes OWS's chief workforce officer the council's vice-chairperson. The council must meet at least quarterly each year, and the governor must establish its bylaws according to federal regulations governing state workforce development boards. The bylaws must address, at a minimum, members' term limits and appointment processes.

The act allows the council to establish its own executive committee of chairperson-appointed members, of which the council's vice-chairperson (i.e., the chief workforce officer) must be a member. The council may delegate to the executive committee any council powers except those required by law to be exercised by the council alone.

Under the act, the chairperson also (1) may appoint ad hoc committees, workgroups, or task forces to assist the council and (2) must consult with the vice-chairperson and legislative council members when making appointments to these bodies.

EFFECTIVE DATE: July 1, 2021, with the provisions establishing the council's membership taking effect on October 1, 2021.

§§ 212 & 213 — LABOR COMMISSIONER'S POWERS AND DUTIES

Removes certain employment-related statistical reporting requirements from the labor commissioner's report to the governor; removes certain powers and duties related to employment training programs

The act removes many of the labor commissioner's powers and duties through

conforming changes that reflect the act's transfer of duties from the Department of Labor (DOL) to the Office of Workforce Strategy (OWS) and Governor's Workforce Council. Instead, it allows the commissioner to adopt regulations for all Connecticut employment and training programs.

Specifically, the act removes the requirements that the DOL commissioner do the following:

1. administer the coordination of all employment and training programs in the state;
2. implement the Connecticut Employment and Training Commission (CETC) plan;
3. develop and maintain a comprehensive inventory of all Connecticut employment and training programs;
4. provide staff and other resources to CETC;
5. appoint a job training coordinator to develop and implement programs to provide job training, an incentive to establish apprentice programs in selected occupations, and work training opportunities and placement for the chronically unemployed; and
6. establish an interagency program coordinating committee to coordinate the application of all available resources for the job training coordinator's initiatives described above.

It also removes the requirement that the DOL commissioner include the following statistical details in his annual report to the governor: (1) population and employment data to project who is working, who is not working, and who will be entering the job market and (2) data about present job requirements and potential new industry needs.

EFFECTIVE DATE: July 1, 2021, except provisions relating to the job training coordinator and interagency program coordinating committee take effect upon passage.

§§ 216-222 — REGIONAL WORKFORCE DEVELOPMENT BOARDS

Makes several changes in laws on regional workforce development boards, such as requiring that they undertake their responsibilities in accordance with specified other related initiatives and guidance

Board Responsibilities (§ 217)

State law established a regional development board within the Department of Labor (DOL) for each of the state's workforce development regions. The act requires these boards, when undertaking various responsibilities under the act and existing law, to act in accordance with (1) the Governor's Workforce Council's workforce development plan, (2) the chief workforce officer's state workforce strategy, and (3) any guidance issued by the chief workforce officer or DOL commissioner. Additionally, it requires boards to (1) be the lead agency for any local workforce development initiative and (2) when annually reporting on performance measures for programs funded by the board, do so in accordance with federal law. It also eliminates a list of required performance measures that

boards must include in the report. The act allows the DOL commissioner and chief workforce officer to jointly issue guidance requiring additional information from the boards.

The act requires boards to submit to the DOL commissioner, chief workforce officer, or Governor's Workforce Council information that the commissioner, officer, or council deems essential for effective state planning. This replaces the provisions in prior law that required boards to submit to the commissioner the following information about all employment and training programs, grants, or funds effective or available in the region in the following program year:

1. their source, purpose, projected amount, goals, and program period;
2. the people, organizations, and institutions eligible to participate or be recipients;
3. the range of services available and the characteristics of clients eligible to receive them; and
4. schedules for submitting requests for proposals, planning instructions, and proposals and plans, where applicable.

Additionally, the act requires any board seeking to provide services directly to submit a plan to the chief workforce office and Governor's Workforce Council, in addition to the DOL commissioner, as required in existing law. The plan is subject to the council's review and approval, rather than CETC's (see § 214, where the council replaces CETC). The act removes the requirement that these boards include their plan to provide services directly in their annual plan.

The act also eliminates certain board responsibilities, such as those requiring them to (1) annually prepare plans on their priorities and goals for regional employment and training programs and report on how well these programs met those goals and (2) establish worker training education committees.

Board Membership (§§ 218 & 221)

By law and unchanged by the act, board membership must satisfy the requirements of federal law (e.g., a majority of the members must represent local businesses and at least 20% must represent the local area workforce). The act eliminates specific membership criteria in state law, however, much of the membership criteria in state law included the same requirements as the federal law, such as requiring representatives of community-based organizations, labor unions, and educational institutions.

The act requires the Governor's Workforce Council to ensure that each board's membership, in addition to meeting the requirements under state law and regulations, also meets any guidance the chief workforce officer issues in accordance with the federal Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128).

Information Exchange (§§ 219 & 220)

The act requires the chief workforce officer, jointly with the DOL commissioner and Governor's Workforce Council, to facilitate communication

and information exchange between the boards and state agencies involved in employment and training. Prior law required the commissioner to do this acting through the CETC. Also, the act requires the chief workforce officer, rather than the commissioner, to distribute all information received under specified state laws relating to regional workforce development boards to the Governor's Workforce Council rather than CETC.

The act also removes prior law's requirement that state agency department heads, as designated by the governor for their involvement in employment and training, provide the DOL commissioner with specific information about all employment and training programs, grants, or funds effective or available for distribution to the boards through the CETC. It also removes the requirement that the commissioner submit each annual regional plan for employment and training plan goals, along with DOL and CETC's recommendations, to the governor for final approval.

Regulations and Oversight (§§ 220 & 221)

The act allows, rather than requires, the DOL commissioner to adopt regulations to carry out the laws on regional workforce development boards, and it removes the requirement that the regulations establish criteria for boards' organization, operation, and membership. In order to adopt these regulations, she must consult with the chief workforce officer and Governor's Workforce Council.

The act also transfers, from the DOL commissioner to the governor, the authority to approve boards that meet the law's requirements and allows the governor to do so upon the recommendation of the Governor's Workforce Council.

Additionally, the act removes prior law's requirement that the CETC review and approve each annual regional plan (see above), evaluating the effectiveness of employment and training programs.

General Provisions

The act makes several technical and conforming changes, such as (1) eliminating references to CETC and replacing it with its successor, the Governor's Workforce Council (see § 214), and (2) conforming to federal law by replacing references to the repealed "Job Training Partnership Act" with the "Workforce Innovation and Opportunity Act."

EFFECTIVE DATE: July 1, 2021

§ 223 — STATEWIDE NETWORK OF JOB CENTERS

Requires the labor commissioner to (1) participate in, rather than maintain, a statewide network of job centers and (2) consult and collaborate with the Governor's Workforce Council and chief workforce officer when undertaking related responsibilities

The act requires the labor commissioner to participate in, rather than maintain, a statewide network of job centers and, as under prior law, do so within available

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resources. In carrying out job center-related responsibilities, the commissioner must do the following, among other things:

1. collaborate with the Governor's Workforce Council, rather than the Connecticut Employment and Training Commission that the act eliminates (see § 214), and
2. collaborate and consult with the chief workforce officer, along with the economic and community development commissioner as existing law requires, to ensure coordination of service delivery to employers.

EFFECTIVE DATE: July 1, 2021

§ 225 — WIOA FUNDS

Limits the amount of the state's WIOA allotment that the governor may reserve for statewide investment activities; expands how reserved funds may be used

Under existing law, the state may reserve, from its federal Workforce Innovation and Opportunity Act (WIOA) allotment, funds for statewide investment activities. The act conforms to WIOA by requiring that the governor limit this reservation to 15% of the allotment. It also requires the chief workforce officer to annually report to the Appropriations Committee about how the reserved funds will be used and whether any changes are made in how they will be used. (The act does not specify a reporting date.)

The act expands how reserved funds may be used by eliminating provisions from prior law that limited their use to statewide youth activities or employment and training activities for adults or dislocated workers.

EFFECTIVE DATE: July 1, 2021

§ 226 — STATEWIDE WORKFORCE DEVELOPMENT BOARD

Recognizes the Governor's Workforce Council as the statewide workforce development board for WIOA purposes

The act recognizes the Governor's Workforce Council, rather than Connecticut Employment and Training Commission (CETC), as the statewide workforce development board for WIOA compliance purposes. (Executive Order No. 4, signed by the governor on October 29, 2019, renames CETC the Governor's Workforce Council.)

EFFECTIVE DATE: July 1, 2021

§ 227 — STATE WORKFORCE DEVELOPMENT PLAN

Requires the governor's workforce development council to develop a four-year state workforce development plan; eliminates obsolete references to a single state plan

The act requires the Governor's Workforce Council to develop a four-year state workforce development plan that meets WIOA requirements and update it at least once every four years. The council must do so with the labor commissioner's

assistance and in consultation with the regional workforce development boards. Prior law required the CETC to develop a single workforce plan that outlined a five-year strategy. The act eliminates obsolete references to this plan and its contents as required by the Workforce Investment Act of 1998 (WIA).

Under the act, the governor may submit the four-year plan and any modifications to the U.S. labor, health and human services, and education secretaries. Unlike prior law for WIA, the act does not require any legislative committee approval.

EFFECTIVE DATE: July 1, 2021

§ 228 — ADULT WORKFORCE DEVELOPMENT ACTIVITY FUNDS

Requires the Governor's Workforce Council, rather than CETC, to annually recommend WIOA fund appropriations for adult workforce development; eliminates certain required components for the recommendation

The act requires the Governor's Workforce Council, rather than CETC, to annually make recommendations to the governor about the appropriation of WIOA funds received for adult workforce development activities. The act changes the annual reporting date to October 1 (from February 9) beginning in 2021 and eliminates (1) the requirement that recommendations also be made to the legislature and (2) specified subjects that the recommendation must address (e.g., underemployed and at-risk workers).

The act also eliminates a requirement that CETC annually make recommendations to the governor and legislature about WIOA funds for dislocated workers.

EFFECTIVE DATE: July 1, 2021

§ 229 — TECS AND CTC ALIGNMENT WITH BUSINESS AND INDUSTRY

Requires the TECS board, in consultation with specified entities, to assess TECS and CTC alignment with business and industry

The act requires the Technical Education and Career System (TECS) board, in consultation with specified entities (see below), to do the following:

1. review, evaluate, and recommend improvements as necessary for certificate and degree programs at the TECS schools and regional community-technical colleges (CTCs) to ensure that they meet business and industry employment needs;
2. develop ways to strengthen ties between skill standards for education and training and business and industry employment needs;
3. assess (a) Connecticut employers' unmet demand for hiring TECS trade program graduates and (b) students' unmet demand for enrolling in a TECS trade program; and
4. assess opportunities to increase the use of TECS schools after school hours and on weekends.

The act requires the TECS board, which oversees the state's public technical

high school system, to do the above by January 1, 2022, and as needed after that. The board must work in consultation with the chief workforce officer; the commissioners of education, economic and community development, labor, and social services; OPM secretary; CSCU president; and one member of industry from each Department of Economic and Community Development-identified economic cluster. Under prior law, the TECS superintendent, rather than the board, also participated in a consultative role, along with the Office of Workforce Competitiveness. Additionally, prior law required this group to perform only the first two duties described above.

The act also requires the TECS superintendent, rather than the education commissioner, to submit an annual report to the Commerce, Education, Higher Education and Employment Advancement, and Labor committees about any certificate or degree programs offered by TECS schools or CTCs that do not meet industry needs. It eliminates a requirement in prior law that the report also include the implementation of recommended programs or strategies within TECS or the CTCs to strengthen their linkage with business and industry's employment needs.
EFFECTIVE DATE: July 1, 2021

§ 231 — INTEGRATED SYSTEM OF STATEWIDE INDUSTRY ADVISORY COMMITTEES

Requires the TECS board to create an integrated system of statewide industry advisory committees

The act requires the Technical Education and Career System (TECS) board, in consultation with the labor commissioner, to create an integrated system of statewide industry advisory committees for each career cluster offered as part of TECS and the regional community-technical college (CTC) system. Under prior law, the labor commissioner had to do this by October 1, 2012, in consultation with the TECS superintendent and with assistance from the Office of Workforce Competitiveness.

Under existing law, each committee must establish specific skills standards, corresponding curriculum, and a career ladder for the cluster that must be implemented as part of the schools' core curriculum. Under the act, committees must do so with support from the Office of Workforce Strategy, in addition to the Department of Labor, TECS, the State Department of Education, and the CTCs, as existing law requires.

EFFECTIVE DATE: July 1, 2021

§ 234 — EARLY CHILDHOOD PRESERVICE AND MINIMUM TRAINING REQUIREMENTS

Adds DOL, OWS, and OEC to the list of entities that must consult with the CSCU president to define early childhood preservice and minimum training requirements

The act requires the Office of Workforce Strategy (OWS) and the Office of Early Childhood, along with the Department of Labor (DOL), to consult with the Connecticut State Colleges and Universities (CSCU) president to define early

childhood preservice and minimum training requirements. By law and unchanged by the act, the CSCU president must also consult the following entities and individuals: the state's education and social services departments; Charter Oak State College; early childhood education faculty at higher education institutions, professional associations, advocates, and practitioners; and individuals with early childhood care and education career development knowledge.

The act removes the requirement that the CSCU president consult with DOL's Office of Workforce Competitiveness, which the act eliminates and replaces with a different office (see § 203).

EFFECTIVE DATE: July 1, 2021

§ 247 — MUNICIPAL REDEVELOPMENT AUTHORITY ASSISTANCE

Requires businesses that receive assistance from MRDA to enter into an agreement with OWS for assistance with the training and recruitment of local employees

By law, the Municipal Redevelopment Authority (MRDA), its member municipalities, and joint member entities must encourage businesses to hire local employees as appropriate. Under the act, any business that receives financial assistance from MRDA must enter into an agreement with the Office of Workforce Strategy (OWS), rather than the Workforce Training Authority, for assistance with the training and recruitment of workers. This conforms to the act's repeal of the Workforce Training Authority (see § 494).

EFFECTIVE DATE: July 1, 2021

§ 248 — MILITARY TO MACHINISTS PROGRAM

Removes Workforce Training Authority Fund expenditures as a program funding source

By law, the Military to Machinists pilot program helps veterans in regions served by the program earn an advanced manufacturing certificate from a qualified program. Pilot program liaisons must help veterans obtain funding for the cost of attendance. The act removes Workforce Training Authority Fund expenditures from the funding options listed in prior law, which conforms to the act's repeal of the Workforce Training Authority and its fund (see § 494).

EFFECTIVE DATE: July 1, 2021

§ 249 — APPRENTICESHIP CONNECTICUT

Makes changes to the labor commissioner's administration of this initiative, including the RFP's timing, proposal requirements, and selection and funding requirements

By law, the Apprenticeship Connecticut initiative develops workforce pipelines to train qualified, entry-level workers for job placement with manufacturers and other industry sector employers experiencing workforce shortages.

Workforce Pipeline Proposal Submission

As part of this initiative, the act requires the labor commissioner to issue a request for proposals (RFP), rather than a request for qualifications to solicit proposals as under prior law, from regional industry partnerships for a workforce pipeline program to serve the workforce needs of manufactures and other employers. The act changes the deadline by which the commissioner must do this from January 1, 2019, to 60 days after she receives funding. Additionally, it removes the requirement that each regional workforce development board report to the legislature about the most pressing workforce needs within each board's region.

By law and unchanged by the act, partnerships must submit proposals through regional workforce development boards. These proposals must contain numerous core program components. The act requires the commissioner to specify the program components required for each proposal and allows her to create additional program components beyond those enumerated in the act. It also removes prior law's requirement for proposals to include the following core program components:

1. identification of the region's most pressing workforce needs and industry sectors with the greatest needs,
2. screening and assessment of individuals interested in manufacturing work or other targeted sectors,
3. redirecting or connecting certain individuals to alternative career resources or services,
4. requiring the partnership to leverage the Department of Labor's (DOL's) subsidized training and employment program with employers who commit to hiring individuals,
5. separate training programs for participants (a) in 11th or 12th grade or (b) who are age 18 years or older,
6. providing at least one training program for each age group through a certified pre-apprenticeship program offered by DOL,
7. a workforce pipeline program duration of at least four years, and
8. demonstration of leveraged funding support from existing resources if the partnership proposes using program funds for core program components.

Proposal Selection and Funding

By law, the labor commissioner must review all qualifying responses to the RFP. The act requires him to (1) use the governor's approved state workforce strategy and any guidance from the Office of Workforce Strategy's chief workforce officer when conducting the review and (2) fund as many proposals as he finds to be well-planned and capable of implementation.

It also removes prior law's requirements for the commissioner to:

1. select proposals to achieve at least 10,000 individuals placed into new jobs in the program's first four years, with specific percentages of individuals from certain categories;

2. award funds to partnerships proportional to regional workforce needs, adjusted for reasonable costs and commissioner discretion, so long as no partnership receives more than \$20 million;
3. fund distribution according to any total cost per program participant that he deems reasonable;
4. give preference to a partnership with a lower per-participant total cost, at his discretion; and
5. reserve from any awarded funds enough to support the use of DOL's certified pre-apprenticeship program, transferring the funds to the appropriate departmental account.

Use of Awarded Funds

The act makes the following changes to the use of program funds awarded to a partnership:

1. requires a minimum, rather than a maximum, of 70% of funds to be used for specified purposes (presumably training programs) and
2. requires a minimum, rather than a maximum, of 20% of funds to be used for supporting services for the program (e.g., recruitment, screening and assessment, transportation).

EFFECTIVE DATE: July 1, 2021

§ 250 — CONNECTICUT PRESCHOOL THROUGH TWENTY AND WORKFORCE INFORMATION NETWORK

Makes changes to the CP20 WIN data sharing agreement for participating agencies; allows the chief workforce officer to make an annual data request to CP20 WIN about the state's workforce system

Under existing law, CP20 WIN (Connecticut Preschool through Twenty and Workforce Information Network) longitudinally matches and links the data of state agencies and other organizations to audit and evaluate federal and state education programs. The act expands the network's purpose to also include informing policy and practice for education, workforce, and supportive service efforts.

The act requires agencies participating in CP20 WIN to enter into an "enterprise memorandum of understanding (MOU)," rather than a "memorandum of agreement" in order to participate in the network. Under the act, an "enterprise MOU" is a foundational, multiparty agreement that sets forth details of how data is shared and each party's respective legal rights and responsibilities. It may also be used for new agencies to sign on to the data-sharing process without having to re-sign as agencies join or leave the agreement. The act requires participating agencies to be approved for participation through the enterprise MOU, rather than by all other participating agencies as prior law required.

Additionally, the act makes some changes to the membership of CP20 WIN's executive board. It (1) adds the Office of Workforce Strategy's chief workforce officer or his or her designee and (2) specifies that each participating agency's

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executive officer or designee serve as a member rather than list certain agency heads by name, as under prior law.

The act also requires the executive board to advance a vision that includes a prioritized research agency with support from the Office of Policy and Management, rather than from the Planning Commission for Higher Education, as prior law required.

Furthermore, the act allows OWS's chief workforce officer, in consultation with the chief data officer and labor commissioner, to annually submit to CP20 WIN's administrator beginning by January 1, 2022, a request for data and analysis to assess performance and outcomes of the state's workforce system. The administrator must complete this request by August 15, 2022, and annually thereafter.

The act also makes the following minor changes:

1. requires CP20 WIN's data governing board to implement, rather than enforce, policies related to cross-agency data management and
2. removes from prior law the defined term "P20 WIN Data Request Management Procedure."

EFFECTIVE DATE: July 1, 2021

§ 251 — TECHNICAL CHANGE

Removes a citation to a statute that does not contain a relevant term

The act removes a statutory citation from the law that defines the term "state college," since the cited statute does not contain that term.

EFFECTIVE DATE: July 1, 2021

§ 252 — DECD BONDING FUNDS

Removes a cap on the appropriation of DECD bond funds to a DOL program

The act removes the \$5.25 million cap on the amount of bond money the Department of Economic and Community Development may allocate to the labor commissioner to assist employers with job training or retraining current employees or prospective employees in newly-created jobs, including meeting ISO 9000 quality standards. (PA 21-141, § 12, repeals the training program for ISO 9000 standards.)

EFFECTIVE DATE: July 1, 2021

§ 257 — CONNECTICUT AUTOMATIC ADMISSIONS PROGRAM

Requires BOR to establish an automatic admissions program for the CSUs' bachelor's degree programs and other in-state participating institutions

Program Establishment and Eligibility Criteria

The act requires the Board of Regents for Higher Education (BOR) to

establish the Connecticut Automatic Admissions Program by April 1, 2022. When establishing the program and adopting the rules, procedures, and forms to implement it, BOR must consult with the four Connecticut State Universities (CSUs) and any other in-state higher education institution that is eligible to participate in the program (“participating institutions”), as described below.

Under the act, the program must require participating institutions to admit an applicant as a full-time, first-year student to a Connecticut in-person bachelor’s degree program if he or she meets the following requirements:

1. meets or exceeds the academic threshold (see “Academic Threshold,” below);
2. qualifies as an in-state student (see *Background*);
3. is enrolled in his or her last school year before graduation in a Connecticut public or approved private high school; and
4. earns a high school diploma, an adult education diploma, or other equivalent credential, if required by a participating institution.

The act specifies that (1) admission to an institution under the program does not guarantee admission to any specific bachelor’s degree program and (2) no participating institution may consider admission through the program when determining the student’s need- or merit-based financial aid.

Under the act, a participating institution may conduct a comprehensive review of an applicant who applies through the program. This review may entail requesting additional application materials or result in denying admission. However, the act requires participating institutions to try to minimize the number of students subjected to this review if the students meet the above four requirements.

Program Application Process

The act requires BOR to create a simple, online application form for students to apply to the program’s participating institutions. This application:

1. must require students to verify that they meet the qualifications;
2. may require students to provide their state-assigned student identifier, if they have one (private school students do not have such a number; see *Background*);
3. cannot require an application fee, an essay, or recommendation letters; and
4. must embed or link to information and resources about (a) college admissions and financial aid; (b) the net cost of completing a bachelor’s degree program; (c) graduation rates; (d) average earnings for graduates of participating institutions; and (e) if possible, common majors at participating institutions.

Participating Institutions Outside of the Connecticut State University System (CSUS)

The act allows a nonprofit higher education institution outside of CSUS to participate in the program if it enters a memorandum of agreement with BOR and

meets the following qualifications:

1. has graduated at least 100 students with a bachelor's degree in each of the prior four years;
2. maintains eligibility to participate in federal student financial aid programs;
3. has a financial responsibility score of at least 1.5 for the most recent fiscal year with available data, as determined by the U.S. Department of Education (see *Background*); and
4. is accredited as a degree-granting institution in good standing for at least 10 years by a regional accrediting organization and maintains the accreditation.

Under the act, each non-CSU participating institution must use the online application form (see "Program Application Process" above) and comply with the academic threshold requirements (see below). Additionally, the act allows BOR to charge these institutions a reasonable fee to participate; however, it must not exceed BOR's cost for including the institution in the program, or \$25,000, whichever is less. The act does not specify whether the fee is one-time or recurring.

Academic Threshold

The act requires BOR to establish (1) a minimum class rank percentile for program applicants to qualify for automatic admission to participating institutions and (2) a standardized grade point average (GPA) calculation method to determine class rank percentile.

The act also requires each participating institution to establish an academic threshold for admission to the institution through the program.

For any non-CSU participating institution, the threshold must be based on at least one of the following:

1. the BOR-established minimum class rank percentile,
2. a minimum GPA calculated using the BOR-established standardized method, or
3. a combination of (a) the BOR-established standardized method of minimum GPA calculation and (b) performance on a nationally recognized college readiness assessment administered to grade 11 students (i.e., the SAT).

Under the act, CSU participating institutions (1) must establish an academic threshold using the BOR-established minimum class rank percentile and (2) may establish the other two academic thresholds available to participating institutions.

The act considers any applicant who has satisfied any one of an institution's academic thresholds to have fulfilled the academic threshold for admission. Additionally, it prohibits participating institutions' governing boards from establishing policies or procedures that require additional academic qualifications beyond what is in the act.

Nonpublic High School Participation

The act allows a Connecticut nonpublic high school's supervisory agent to apply to BOR, in a BOR-prescribed form and manner, to participate in the program. BOR must approve the application if the school (1) is accredited by a generally recognized organization or operated by the U.S. Department of Defense and (2) complies with the act's GPA and class rank percentile calculation requirements.

EFFECTIVE DATE: July 1, 2021

Background

In-State Student Classification. By law, with limited exceptions, eligibility for in-state student classification is based on an applicant's domicile, which is his or her "true, fixed, and permanent home" and the place where he or she intends to remain and return to when he or she leaves (CGS §§ 10a-28 & 10a-29). One exception allows a person, except for certain temporary visa holders, to qualify for in-state tuition if he or she meets the following criteria:

1. resides in Connecticut (i.e., maintains a continuous and permanent physical presence, except for short, temporary absences);
2. attended an in-state educational institution and completed at least two years of high school in Connecticut;
3. graduated from a high school or the equivalent in Connecticut; and
4. is registered as an entering student, or is a student, at UConn, a Connecticut State University, a community-technical college, or Charter Oak State College.

Students without legal immigration status who meet the above criteria must file an affidavit with the institution stating that they have applied to legalize their immigration status or will do so as soon as they are eligible (CGS § 10a-29(9)).

State-Assigned Student Identifier. The State Department of Education assigns a unique student identifier to each student prior to tracking their performance in the public school information system. This system tracks and reports data relating to student, teacher, school, and district performance growth and makes this information available to boards of education for use in evaluating educational performance and growth of teachers and enrolled students (CGS § 10-10a).

Financial Responsibility Score. According to the U.S. Department of Education, this composite score reflects the overall relative financial health of higher education institutions along a scale from -1 to 3. A score of 1.5 or more indicates that the institution is considered financially responsible.

§ 258 — AUTOMATIC ADMISSIONS PROGRAM ELIGIBILITY

Requires boards of education to calculate certain students' GPA using a standardized method and notify them of their eligibility for the automatic admissions program

The act requires each local and regional board of education, starting in the 2022-23 school year, to make certain annual calculations to determine which students qualify for the automatic admissions program. Specifically, each board

must do the following:

1. calculate a GPA using the Board of Regents for Higher Education (BOR)-established standardized method for each student who completes grade 11;
2. determine whether these students' class rank percentile is above or below the BOR-established minimum; and
3. share a student's GPA, and whether the student is above or below the minimum class rank percentile, with the student; his or her parents or guardians; the State Department of Education; and, at the student's request, a participating institution for purposes of applying under the program.

The act specifies that it does not require a board of education to (1) publish or provide any student's class ranking, (2) publish the BOR-established GPA calculation on a student's transcript, or (3) publish whether a student is above or below the BOR-established minimum class rank percentile for the automatic admissions program.

The act requires each board of education, starting in the 2022-23 school year, to notify each student in his or her final year of high school, and their parent or guardian, about whether the student may be admitted to at least one participating institution under the automatic admissions program, based on the academic threshold described above.

EFFECTIVE DATE: July 1, 2021

§ 259 — CTPASS PROGRAM

Requires the DOT commissioner to establish the Ctpass program to allow certain individuals from eligible organizations to use specified public transit services for free or at a reduced cost

The act requires the Department of Transportation (DOT) commissioner to establish the Ctpass program by January 1, 2022, to allow certain employees, clients, students, or customers of an eligible in-state organization (the organization's "approved class") to use certain public transit services without cost or at reduced cost. These eligible organizations include:

1. any training program provider, including any listed on the Department of Labor's Eligible Training Provider List;
2. an apprenticeship or pre-apprenticeship program sponsor;
3. a State Board of Education (SBE)-approved alternate route to certification (ARC) program provider;
4. a higher education institution;
5. a private occupational school;
6. an employer;
7. a state or municipal agency; and
8. a public or nonprofit social service provider.

The commissioner must post information about the program and its application process on the department's website in a manner that, in his view, will maximize awareness and participation by the greatest number of eligible organizations.

Under the act, after an eligible organization applies to participate in Ctpass,

the commissioner may negotiate terms and conditions and enter into a contract with the organization. Additionally, he may treat several eligible organizations as a single one for a contract.

The contract's terms and conditions must include (1) the amount of compensation or reimbursement required from the eligible organization, (2) the definition of approved class specific to the eligible organization, and (3) any limitations on times of use or types of public transit services available to the approved class. The compensation or reimbursement negotiated in the contract must be in an amount that the commissioner finds necessary or advisable, ensure that DOT's transit service expenditures do not increase, and cover any administrative costs incurred from operating the program.

The act requires that a contract under the CTpass program be valid upon the Office of Policy and Management's (OPM's) approval for up to two years; however, the first contract with an eligible organization must not exceed 12 months. Before renewing a contract with an eligible operator, the DOT commissioner must consider the following to re-evaluate the required compensation or reimbursement amount: prior pass usage information and any transit services expenditure increases incurred by DOT.

The act requires the DOT commissioner to report to the OPM secretary annually beginning by January 1, 2023, on the financial data and pass usage information for each contract under the CTpass program.

EFFECTIVE DATE: July 1, 2021

§ 260 — EDUCATION ASSISTANCE PROGRAMS

Requires certain employers to notify employees about education assistance programs they may offer

The act requires each Connecticut employer with 100 or more employees to notify their employees who live in the state by December 1, 2021, and annually for the next three years, about (1) whether the employer offers an education assistance program and (2) if one is offered, the benefits included and how an employee may enroll. Under the act, as defined by federal law, an education assistance program is an employer's separate written plan for the exclusive benefit of its employees to provide them with educational assistance such as payments for tuition, fees, books, supplies, equipment, and qualified education loans (26 U.S.C. § 127).

The act prohibits an employee from having a cause of action against an employer for not offering this type of program or for failing to notify employees about the program. It requires the Department of Economic and Community Development commissioner to make information and resources about these programs available to employers.

EFFECTIVE DATE: July 1, 2021

§ 261 — UCONN EARLY COLLEGE EXPERIENCE COURSES

OLR PUBLIC ACT SUMMARY

Requires UConn to remove Early College Experience (ECE) course prerequisites as much as possible and report to the education commissioner and legislature on these efforts and related topics

The act requires UConn to remove prerequisites, to the extent possible, from each UConn ECE course offered in the state and work with local and regional boards of education to increase access to these courses.

It also requires UConn to report to the education commissioner and the Higher Education and Employment Advancement and Education committees by October 1, 2022, about the following topics:

1. prerequisites for UConn ECE courses;
2. a comparison of UConn's ECE prerequisites to those of similar courses offered by other higher education institutions and by advanced placement, International Baccalaureate, and Cambridge International programs;
3. enrolled student demographics; and
4. UConn's actions taken to increase ECE course access.

EFFECTIVE DATE: July 1, 2021

§ 262 — COLLEGE CREDIT FOR HIGH SCHOOL COURSEWORK

Requires the governing boards of public colleges and universities to report on their policies for awarding college credit for exam scores earned in advanced high school courses

The act requires the UConn Board of Trustees and the Board of Regents for Higher Education to report to the education commissioner and the Education and Higher Education and Employment Advancement committees by February 1, 2022, about their institutions' policies for awarding course credit to enrolled undergraduate students for their score on an advanced placement, International Baccalaureate, Cambridge International, or UConn Early College Experience exam taken while in high school.

EFFECTIVE DATE: July 1, 2021

§ 263 — STUDENT INFORMATION EXEMPT FROM DISCLOSURE

Exempts specified student and parent information from disclosure under FOIA; prohibits the sharing of higher education student applications and immigration status with federal immigration authorities except under specified conditions

FOIA Exemptions

The act exempts from disclosure under the Freedom of Information Act (FOIA) (1) any information contained in a Free Application for Federal Student Aid or state application for student financial aid and (2) personally identifiable information in higher education institution admissions applications, including applications under the Connecticut Automatic Admissions Program (see § 257). This exemption prohibits these records from being considered a public record and applies to those held by a department, board, commission, or public higher education institution, or any other agency of the state, as well as any local or

regional board of education or state-administered school system.

Records Protection for Undocumented Students and Families

The act generally prohibits certain education authorities from disclosing to any federal immigration authority any confidential information about an individual, including information about his or her admission or financial application or immigration status. These education authorities are officers, employees, or agents of a local or regional board of education or Connecticut higher education institution. Under the act, this information may be disclosed only if it is:

1. authorized in writing by the individual or by his or her parent or guardian if the individual is a minor or not legally competent to consent to the disclosure,
2. necessary for a criminal terrorism investigation, or
3. otherwise required by state or federal law or to comply with a judicial warrant or court order issued by a state or federal judge or magistrate.

EFFECTIVE DATE: July 1, 2021

§ 264 — CREDENTIALS DATABASE

Requires OHE to create a database of the credentials offered in Connecticut; beginning by July 1, 2024, requires specified institutions and training providers to submit information about the credentials they offer to be included in the database; creates an advisory council to advise OHE on the database's implementation; establishes council membership

Credentials Database

The act requires the Office of Higher Education's (OHE's) executive director, in consultation with the advisory council described below, to create by January 1, 2023, a database of the credentials offered in Connecticut. Under the act, a "credential" is a documented award issued by an authorized body. It includes the following:

1. degrees or certificates awarded by colleges and universities, private occupational schools, or State Board of Education (SBE)-approved alternate route to certification (ARC) program providers;
2. certifications awarded through an examination process designed to demonstrate that an individual has the knowledge, skill, and ability to perform a specific job;
3. government-issued licenses that allow someone to practice a specific occupation based on predetermined qualifications; and
4. documented completion of an apprenticeship or job training program.

The database must explain the skills and competencies earned through a credential in uniform terms and plain language. In creating the database, the executive director must use the (1) minimum data policy established by the New England Board of Higher Education's (NEBHE's) High Value Credentials for New England initiative (see *Background*) and (2) uniform terms, descriptions, and

standards for comparing and linking credentials in Credential Engine's Credential Transparency Description Language (see *Background*).

The database must, at a minimum, include the following information for each credential:

1. name and type of credential being offered and its credential status type (i.e., active, deprecated, probationary, or superseded);
2. entity that owns or offers the credential;
3. a short description of the credential and the language in which it is offered;
4. a website that provides related information;
5. estimated cost and duration for completion;
6. the industry related to the credential, which may include its code under the North American Industry Classification System;
7. the occupation related to the credential (e.g., its code under the U.S. Bureau of Labor Statistics' standard occupational classification system or under The Occupational Information Network); and
8. a listing of online or physical locations where it is offered.

Advisory Council

The act establishes a council to advise the OHE executive director on the database's implementation. The advisory council must include the state's chief data officer or his designee and representatives from the Office of Workforce Strategy, OHE, the Office of Policy and Management, the Department of Labor (DOL), the State Department of Education, the Connecticut State Colleges and Universities, UConn, and independent higher education institutions. The chief workforce officer, chief data officer, and OHE executive director, or their designees, must cochair the council and schedule its meetings.

Requirement to Submit Credential Information

Annually, beginning by July 1, 2024, the act requires specified institutions and training providers to submit information about the credentials they offer for inclusion in the database. Specifically, this requirement applies to each regional workforce development board, community action agency, higher education institution, private occupational school, SBE-approved ARC program provider, and training program provider listed on DOL's Eligible Training Provider List, excluding any state agencies or departments.

Each of these entities must submit the information in the form and manner the OHE executive director prescribes, including the data described above. Higher education institutions, however, may omit the industry and occupational code data and the informational website if they are not applicable to credentials the institution offers.

The act also authorizes DOL, in consultation with the advisory council, to require any pre-apprenticeship or apprenticeship program sponsor registered with the department to submit information about its program to OHE for inclusion in

the database.

EFFECTIVE DATE: July 1, 2021

Background

NEBHE's High Value Credentials for New England. NEBHE's High Value Credentials for New England initiative provides individuals, institutions, policymakers, and employers with tools to compare and evaluate credential programs and understand the competencies obtained through them. The initiative includes an online registry of credential information; its minimum data policy establishes the fields that make up the credential profiles in the registry.

Credential Engine. Credential Engine is a nonprofit organization that provides web-based services for creating a centralized credential registry. Its Credential Transparency Description Language provides a common set of terms for defining credentials, credentialing organizations, quality assurance bodies, and competencies.

§§ 265-268 — HIGHER EDUCATION PROGRAM APPROVAL

Decreases, and in some cases eliminates, reporting and approval requirements for new programs and program changes; requires OHE to report on recommendations for program approval and modification requirements to the Higher Education Committee

Independent Institutions

Prior law exempted qualifying independent colleges and universities from the Office of Higher Education's (OHE) approval process for up to 12 new higher education programs per academic year. The act instead exempts an unlimited number of new programs until June 30, 2023, but then beginning July 1, 2023, it limits the exemptions to 15 new programs in any academic year. Under existing law and the act, institutions qualify for these exemptions if they:

1. are eligible to participate in the Federal Family Education Loan program;
2. have a financial responsibility score of at least 1.5, as determined by the U.S. Department of Education (this score reflects the overall relative financial health of institutions); and
3. have been located in Connecticut and accredited as a degree-granting institution in good standing for at least 10 years by a federally recognized regional accrediting association.

As under prior law, any qualifying institutions' program modifications remain exempt from the approval process.

Additionally, the act terminates, on June 30, 2024, the requirement that these exempt institutions annually file with OHE a list and brief description of any new programs introduced, and any existing programs discontinued, in the preceding academic year. As under existing law, the institutions must continue to annually file (1) a program actions form prior to students enrolling in any new or modified program, (2) their program approval process and all actions their respective governing boards took concerning new program approvals, and (3) their financial

responsibility composite score.

Public Institutions

The act also terminates, as of June 30, 2024, the requirement that the Board of Regents for Higher Education (BOR) and UConn Board of Trustees (BOT) report to OHE on the new programs and approved program changes. By law, BOR reviews and approves recommendations to establish new academic programs for the universities within the Connecticut State University System, the community colleges, and Charter Oak State College, and BOT does so for UConn.

OHE Recommendations

The act requires the OHE executive director to submit recommendations to the Higher Education Committee by October 1, 2023, about the program approval and modification requirements in state law.

EFFECTIVE DATE: July 1, 2021

§ 269 — STUDENT AND TRAINEE DATA COLLECTION

Requires private occupational schools and certain postsecondary training providers to submit specific data to OHE on each of their enrolled students or trainees; prohibits OHE from releasing any of this identifiable student information to the public but allows data-sharing under limited circumstances

By January 1, 2023, the act requires each private occupational school, regional workforce development board, community action agency, and State Board of Education-approved alternate route to certification program provider to submit to the Office of Higher Education (OHE) specified data on each of their enrolled students or trainees who earns a credential offered by any of these entities.

The data must at least include the following: gender identity; age; race; ethnicity; course enrollment; course and credential completion; fees and tuition charged; federal student loans received; federal student loan balances; and state-assigned student identifiers, if applicable. (By law, the State Department of Education assigns to each student a unique student identifier to track his or her performance in the public school information system.) The schools, boards, agencies, and providers must submit this data in the form and manner that the OHE executive director prescribes. The act specifies that it does not require a student or trainee to provide information about gender identity, age, race, or ethnicity if not otherwise required by law.

The act specifies that any personally identifiable information provided by these entities to OHE is not a public record and is exempt from public release under FOIA. However, it allows OHE to share information that these entities provide with another state agency; another state or territory; the federal government; or to support a CP20 WIN data request for program administration, audit, evaluation, or research. For the latter, the data recipient must agree to a data sharing agreement if the recipient is not a state agency, another state or territory,

or the federal government.

EFFECTIVE DATE: July 1, 2021

§ 270 — QUARTERLY REPORTING REQUIREMENTS FOR EMPLOYERS

Requires employers subject to the state's unemployment law to report certain data about each employee in their quarterly wage reports to DOL, with a waiver option; exempts employers' identifying information and employees' personally identifying information from disclosure under FOIA, with certain exceptions

Expanded Reporting Requirement

The act generally requires employers subject to the state's unemployment law to include additional, specified data about each employee receiving wages in their quarterly wage reports to DOL.

Specifically, employers must report the following data for each employee:

1. gender identity, age, race, ethnicity, veteran status, disability status, and highest education completed;
2. home address and primary work site address;
3. occupational code under the Bureau of Labor Statistics' standard occupational classification system;
4. hours and days worked and salary or hourly wage; and
5. employment start date in the current job title and, if applicable, employment end date.

The DOL commissioner may issue guidance defining each of these data fields. The act phases in these reporting requirements, based on the employer's number of employees, as follows:

1. beginning with the third quarter of 2024 for employers with 100 or more employees;
2. beginning with the third quarter of 2026 for employers with 99 or fewer employees, except as provided below; and
3. beginning in the third quarter of 2028 for employers with 49 or fewer employees that do not have an electronic payroll system.

The act specifies that these provisions may not be construed to require employees to provide information on their gender identity, age, race, ethnicity, or veteran or disability status, if these disclosures are not otherwise required by law.

Electronic Report Submissions and Waivers

The act specifies that report submission is limited to electronic means in a format and manner chosen by the DOL commissioner. It eliminates prior law's references to electronic reporting via magnetic tape or diskette.

It also allows employers to request a waiver from the electronic reporting requirement for the employee data described above, just as existing law allows them to do for electronic wage reports and reimbursements. As under existing law, employers, or their agents, may submit a written waiver request on a DOL-prescribed form at least 30 days before the report is due. The DOL commissioner

must grant the request if, based on the submitted information, she finds that the requirement would cause an undue hardship. The commissioner must promptly notify the employer or agent of her decision, which cannot be further reviewed or appealed. A waiver is good for one year.

Employee Data Confidentiality

Under the act, the following information is not a public record and is exempt from disclosure under FOIA: (1) an employer's name and identifying information and (2) an employee's personally identifying information provided to the DOL commissioner. But the act allows the commissioner or the department to share this information (1) with another state agency, another state or territory, or the federal government or (2) to support a CP20 WIN data request, submitted according to CP20 WIN's policies and procedures, for program administration, audit, evaluation, or research purposes, so long as the data recipient enters into a data sharing agreement if the recipient is not a state agency, another state or territory, or the federal government.

The act also makes technical and conforming changes.
EFFECTIVE DATE: July 1, 2021

§ 271 — DATA SHARING AGREEMENTS

Allows state instrumentalities to enter into a data sharing agreement with non-state entities when permitted under state and federal law

The act sets standards for data sharing agreements ("agreements") between individuals and organizations and the following state instrumentalities: any office, department, board, commission, public higher education institution, or other state instrumentality sharing data from (1) tax return information for research or CP20 WIN data requests (see § 272), (2) employers' quarterly filings with DOL (see § 270), or (3) student and trainee data from private occupational schools and certain postsecondary training providers (see § 269).

The agreement between a third party and a state instrumentality must include provisions stating the following, at a minimum:

1. the purposes for which the third party will use the data;
2. that this data may only be used as authorized under the agreement;
3. the specific individuals who may access or use the data;
4. that the data provided by the state instrumentality may not be shared with another party unless the other party has the instrumentality's approval and enters into an agreement;
5. that the data may not be copied or stored in any location by any party unless approved by the state instrumentality in the agreement;
6. that all data be stored and accessed securely as prescribed in the agreement;
7. procedures for notifying the state instrumentality of any breach of the agreement;
8. that if any provision in the agreement or its application is invalidated by a

court, it does not affect other provisions or applications of the agreement that can be given effect without the invalid provision or application;

9. that the third party entering is prohibited from (a) using records or information obtained under it to enforce federal immigration law or (b) sharing, disclosing, or making these records or information accessible in any direct or indirect way to any federal or state agency, or its officer or agent, that enforces federal immigration law unless required under a judicial warrant or court order issued by a judge or magistrate on behalf of the state or federal judicial branches;
10. that a data sharing agreement must have an explicit term of length; and
11. if personally identifying information is permitted or required to be shared under the agreement, the methods that will be used to de-identify the data.

Under the act, the agreement must be considered a public record, and any state instrumentality that enters into one must not release any information that may endanger data security or safety. Any data or information shared with a third party under a data sharing agreement that is not subject to FOIA disclosure by a state instrumentality is not subject to disclosure by the third party.

The act also specifies that the above provisions do not apply to any contracts that a state agency enters into that comply with the state law governing state contractors who receive confidential information (CGS § 4e-70).

EFFECTIVE DATE: July 1, 2021

§ 272 — DISCLOSURE OF TAX RETURN INFORMATION FOR RESEARCH OR CP20 WIN DATA REQUESTS

Authorizes DRS to release tax return information for evaluation or research purposes under specified conditions

The act authorizes the Department of Revenue Services (DRS) commissioner, to the extent allowed by federal law, to disclose tax return information for evaluation or research purposes to another state agency or to support a data request submitted through CP20 WIN. The disclosure must be in accordance with CP20 WIN's policies and procedures, and the data recipient must enter into a data sharing agreement if the recipient is not a state agency.

By law, "return information" includes:

1. a taxpayer's identity;
2. the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax collected or withheld, tax under- or over-reportings, or tax payments;
3. whether the taxpayer's return was, is being, or will be examined or subjected to other investigation or processing; and
4. any other data received, recorded, prepared, or collected by or furnished to the DRS commissioner regarding (a) a return or (b) a determination of liability for a tax, penalty, interest, fine, forfeiture, or other imposition or offense (CGS § 12-15(h)(2)).

EFFECTIVE DATE: October 1, 2021

§§ 273-274 — CHESLA LOAN AND AWARD ELIGIBILITY FOR CERTIFICATE PROGRAM ENROLLMENT

Allows students enrolled in a Connecticut high-value certificate program or their parents to take out student loans and receive certain financial aid from CHESLA; requires CHESLA to establish an account to fund and operate these loans

The act allows (1) Connecticut students enrolled in a “high-value certificate program,” or their parents, legal guardians, or sponsors, to take out loans with CHESLA to finance student enrollment and (2) these students to receive grants, scholarships, fellowships, or other non-repayable assistance from CHESLA. Under the act, a “high-value certificate program” is a non-credit, subbaccalaureate certificate program offered by a higher education institution or a private occupational school that the chief workforce officer of the Office of Workforce Strategy determines meets Connecticut employers’ needs. Also under the act, a “Connecticut high-value certificate program” is a high-value certificate program offered by a higher education institution or private occupational school in the state.

Additionally, the act requires CHESLA to establish the certificate loan loss reserve and funding account. This separate, nonlapsing account must contain any funds required by law to be deposited in it, including state appropriations or bond sale proceeds. CHESLA must spend these funds to (1) fund loans that it issues to a borrower to finance Connecticut high-value certificate program enrollment, (2) cover any losses CHESLA incurs from issuing these loans and reasonable and necessary expenses for administering them, and (3) cover any initial implementation expenses before the loans’ origination.

EFFECTIVE DATE: October 1, 2022, for the loan provisions and July 1, 2021, for the CHESLA account provisions.

§§ 275-276 — PAID FAMILY AND MEDICAL LEAVE APPEALS

Allows, rather than requires, the labor commissioner to conduct a hearing for people aggrieved by a denial of paid family and medical leave benefits or the imposition of certain anti-fraud penalties; removes a requirement that appeals in these cases proceed under the UAPA

The law generally allows someone to petition the labor commissioner if they are aggrieved by the Family and Medical Leave Insurance Authority’s denial of Family and Medical Leave Insurance benefits or imposition of certain anti-fraud penalties. The act refers to these as “appeals,” rather than “complaints,” and requires that they be filed within 21 calendar days after the denial or penalty decision was issued, unless there is good cause for the late filing. Prior law did not specify a filing deadline.

Prior law required the commissioner to hold a hearing upon receipt of the complaints. The act instead requires the commissioner, or her designee, to decide the appeal based on the file record and allows her to supplement the file record, conduct a hearing, or do both. The commissioner or designee may issue

subpoenas and require the attendance of witnesses and the production of documents in connection with the appeal. The act also requires the Department of Labor to adopt regulations on the procedural rules for disposing of these appeals.

Under the act, the “file record” includes any documents (1) submitted to the authority or to a private plan administrator, (2) that the authority or private plan administrator relied on to make its determination, or (3) that the commissioner or designee needs to dispose of the appeal.

Similar to prior law, after determining the appeal (rather than after the hearing), the commissioner or his designee must send each party a written copy of the decision and may award all appropriate relief. Any party aggrieved by the decision may appeal to the Superior Court. The act, however, removes a requirement that the appeal to court be made under the Uniform Administrative Procedure Act (UAPA) and specifies that it may be appealed to the judicial district of Hartford or the judicial district where the appellant resides. It also requires that the appeal be filed within 30 days after the decision was issued and makes conforming changes to exempt these appeals from the UAPA.

EFFECTIVE DATE: Upon passage

§§ 277-278 — THE STATE AS AN EMPLOYER UNDER CT FMLA

Removes a provision that explicitly excluded the state from being an employer covered by the FMLA

The act removes a provision from prior law that explicitly excluded the state from being an employer covered by the state’s Family and Medical Leave Act (FMLA). (It does not otherwise specify that the state is an employer covered by the act.)

The act also makes an identical conforming change to the FMLA once the provisions of PA 19-25 become effective on January 1, 2022.

EFFECTIVE DATE: Upon passage, except that the conforming change is effective January 1, 2022.

§§ 279-281 — CT FMLA HEARINGS

Requires complaints for FMLA violations to go through additional procedural steps before proceeding to a hearing

The law allows an employee aggrieved by certain violations of the state’s FMLA to file a complaint with the labor commissioner. Prior law required the commissioner to hold a hearing on these complaints, but the act instead requires her or her designee, to first investigate and make a finding about jurisdiction and whether a violation occurred. The act also requires that a complaint be filed within 180 days after the employer action that prompted the complaint, unless there is good cause for the late filing (prior law did not specify a deadline).

Under the act, if the commissioner or designee finds that DOL has no jurisdiction or no violation occurred, they must dismiss the complaint and issue a release of jurisdiction that allows the complainant to bring a civil action in

Superior Court. The complainant must initiate the lawsuit within 90 days after the decision's release date. In the suit, the employee may be awarded all appropriate relief, including rehiring or reinstatement to their job and any compensation or benefits for which he or she would have otherwise been eligible.

If the commissioner or designee finds that the agency has jurisdiction and a violation occurred, the act allows them, in their sole discretion, to require a mandatory settlement conference with the parties. If there is no settlement, they must designate a hearing officer to hold a hearing and render a final decision. Unlike prior law, the act does not require that a written copy of the decision be provided to the parties after the hearing. But as under prior law, the employee may be awarded all appropriate relief and any party aggrieved by the decision may appeal to the Superior Court under the Uniform Administrative Procedures Act.

The act also allows an employee aggrieved by a violation to bring a civil action against an employer within 180 days after the alleged violation. It allows an employee to bring this action without first filing an administrative complaint.

The act also makes minor, technical, and conforming changes that, among other things, (1) make an identical conforming change to the FMLA once the provisions of PA 19-25 become effective on January 1, 2022, and (2) remove a provision that specifies that DOL's related regulations for hearing procedures be for employees who believe that their employer violated the FMLA.

EFFECTIVE DATE: Upon passage, except that the (1) minor change related to DOL's regulations for hearing procedures (§ 281) is effective July 1, 2021, and (2) conforming change related to PA 19-25 (§ 280) is effective January 1, 2022.

§ 282 — CONNECTICUT STATE GUARD

Allows the governor to raise and maintain the Connecticut State Guard volunteer troops at any time, rather than only when the Connecticut National Guard is, or likely will be, activated for federal service

The act authorizes the governor, at any time, to raise, organize, maintain, and govern a body of volunteer troops for state military duty (i.e., the Connecticut State Guard). Prior law required the governor to do this only when the Connecticut National Guard was called into the federal service or he believed that it would happen imminently.

EFFECTIVE DATE: October 1, 2021

§§ 283-286 — SMALL BUSINESS EXPRESS PROGRAM

Makes various changes to DECD's Small Business Express (EXP) program, generally increasing flexibility in the department's administration of the program and allowing for increased participation by private lenders; eliminates certain EXP administrative provisions and modifies the program's components; makes changes to DECD's EXP and annual reporting requirements and the legislative hearing requirements related to certain analyses the department must include in its annual report

The act makes changes to the Department of Economic and Community

Development's (DECD) Small Business Express program (EXP), generally increasing flexibility in the department's administration of the program and allowing for increased participation by private lenders. The act eliminates certain administrative provisions concerning participant eligibility criteria, application process, and funding priority. It also makes the following changes to the program's components:

1. expands the revolving loan fund's allowed uses and eliminates related requirements on the uses, amounts, rates and terms, and prioritization of these loans;
2. allows the DECD commissioner, in consultation with Connecticut Innovations, Inc. (CI), to establish a new EXP component and eliminates the job creation incentive and matching grant components;
3. removes the cap on the number of minority business revolving loan funds (MBRLFs) and increases the maximum size of loans these funds may provide; and
4. makes changes to the administration and funding allocation of the EXP component operated in collaboration with Connecticut-based banks.

The act also (1) creates a new requirement for loan loss reserve accounts under the Connecticut Capital Access Fund program; (2) makes changes to DECD's EXP and annual reporting requirements and the legislative hearing requirements related to certain analyses the department must include in its annual report; and (3) makes it a department goal that by July 1, 2026, EXP be self-funded and have a default rate of 20% or less for small businesses receiving assistance.

Additionally, the act eliminates (1) a requirement that the DECD commissioner work with eligible applicants to provide a package of EXP financial assistance, with the ability to refer these applicants to the Subsidized Training and Employment program or other appropriate state programs, and (2) the commissioner's ability to, at his discretion, partner with lenders in the Connecticut Credit Consortium to fulfill the program requirements.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the provisions related to DECD's annual reporting requirements and the legislative hearing requirement are effective upon passage.

Eligibility Criteria

The act expands eligibility criteria for a small business to receive assistance under the EXP program by (1) eliminating a requirement that businesses must have been registered for at least 12 months and (2) requiring that a business have no more than 100 employees, rather than employ no more than 100 people on at least half of the working days in the previous 12 months, as prior law required.

By law, to be eligible a business must also (1) operate in Connecticut and (2) be in good standing with all state and local tax payments and with all state agencies.

Application Process and Funding Priority

The act eliminates certain EXP provisions related to application process and funding priority, including those requiring the DECD commissioner to establish a streamlined application process and that approved small businesses receive funding within 30 days after submitting a completed application to DECD. It also eliminates provisions that (1) required the DECD commissioner to prioritize funding for small businesses creating jobs and (2) allowed him to do so for those (a) in Connecticut's economic base industries (e.g., precision manufacturing, business services, bioscience, green and sustainable technology, and information technology); (b) attempting to export products or services to foreign markets; and (c) located in CTNext-designated innovation places.

EXP Component Changes

Under prior law, EXP funding was available to eligible businesses in the form of a loan or a grant through five components:

1. the revolving loan fund,
2. the job creation incentive component,
3. the matching grant component,
4. up to two MBRLFs, and
5. a private lender component operated in collaboration with Connecticut-based banks.

Among other things, the act eliminates the EXP program's job creation incentive and matching grant components and eliminates the cap on the number of MBRLFs. It also adds a new component, to be established in consultation with CI, and expands the revolving loan fund's allowed uses.

Revolving Loan Fund Purposes Expanded. By law, DECD may provide loans to eligible small businesses through the revolving loan fund. The act expands the fund's eligible uses by allowing the department to also provide loan guarantees, loan portfolio guarantees, portfolio insurance, and grants under this EXP component.

The act also eliminates provisions from prior law addressing permissible loan uses; loan amounts, rates and terms; and prioritization of loans issued from this fund. (Under prior law, this component provided loans ranging from \$10,000 to \$100,000 for a term of up to 10 years and a maximum 4% interest rate. DECD was required to prioritize applicants that planned to create new jobs that would be maintained for at least a year.)

New Component in Collaboration With CI. The act allows the DECD commissioner to establish and operate a new EXP component in consultation and collaboration with CI. This new component may, among other things, provide financial assistance consistent with CI's powers and the provisions and purposes of the Connecticut Works Fund and Connecticut Capital Access Fund. CI may administer the component in collaboration with DECD.

The Connecticut Capital Access Fund program is designed to provide portfolio insurance to participating financial institutions to help them make loans

that are riskier than conventional loans. The Connecticut Works Fund provides direct loans for eligible projects and includes a loan guarantee program to encourage participating lenders to provide additional credit on more favorable terms.

Eliminated Job Creation Incentive and Matching Grant Components. The act eliminates the EXP program's job creation incentive and matching grant components. Under prior law, businesses that received job creation incentive loans could use the funds for training, marketing, working capital, or other DECD-authorized business expenses that supported job creation. Loans ranged from \$10,000 to \$300,000, and the DECD commissioner could allow deferred loan payments and forgive all or part of a loan.

Under prior law, businesses that received matching grants could use the funds for ongoing or new training, working capital, machinery and equipment purchases, construction, relocation costs, rent payments, and other DECD-authorized business expenses. This EXP component provided eligible businesses with grants ranging from \$10,000 to \$100,000. To receive a grant, a business was required to match the state award dollar-for-dollar unless located in a distressed municipality.

Minimum MBRLF Requirement and Raised Loan Cap. The act eliminates the requirement that there be no more than two MBRLFs, instead requiring a minimum of one. Additionally, it increases the maximum size of loans these funds may provide from \$100,000 to \$500,000.

Private Lender Component's Administration and Funding Cap. Existing law allows DECD to establish, in consultation with private lenders, an EXP component comprising (1) loan guarantees, (2) short-term loans used as a bridge to private sector financing, and (3) the transfer of loans issued under the revolving loan fund or job creation incentive fund.

The act (1) requires CI to administer this component in collaboration with DECD, if the department establishes it, and (2) eliminates the requirement that no more than 10% of available EXP funding be allocated to it.

Connecticut Capital Access Fund Participation

By law, participation agreements between CI and a financial institution participating in the Connecticut Capital Access Fund program (see above) must establish a separate loan loss reserve account owned and controlled by CI but earmarked to cover losses on loans enrolled by a financial institution in the program. The act additionally requires that these loan loss reserve accounts be located within (1) the financial institution entering the participation agreement or (2) a third-party financial institution approved by CI.

DECD Reporting Requirements

The act (1) reduces the frequency, from biannually to annually, of the DECD commissioner's report on the EXP program to the General Assembly and (2) makes the report due February 1, beginning in 2022.

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The act also requires that this report, and DECD's annual report due on the same day under existing law, include available data on (1) the default rate of small businesses that received EXP assistance and (2) participating lenders' progress in becoming self-sustainable. It removes the requirement that these reports include data on the number of small businesses that applied to the program.

Legislative Hearing Requirements

By law, the Appropriations; Finance, Revenue and Bonding; and Commerce committees must hold individual or joint public hearings on certain analyses DECD must include in its annual report (e.g., analyses of its economic development portfolio and certain business assistance or incentive programs). The act (1) requires the committees to hold these hearings annually by April 1 and (2) eliminates a requirement that they cover the state auditors' evaluation of the annual report, thus effectively repealing certain changes made by PA 21-193 (see *Background*). Under the act, the hearings must also cover the department's report on EXP (see above).

Background — Related Act

PA 21-193 required (1) the above committees to hold the legislative hearings described above within 60 days after the state auditors complete their evaluation of DECD's annual report, rather than annually by March 1 as prior law required, and (2) that these hearings cover the auditors' evaluation in addition to DECD's analyses of the department's economic development portfolio and the business or incentive programs it, or CI, administers.

§§ 287 & 491 — VISITATION RIGHTS OF INCARCERATED INDIVIDUALS

Amends PA 21-110, which was vetoed, and thus has no legal effect

The act makes various changes to provisions relating to visitation rights that would have been provided to incarcerated individuals under PA 21-110, which was vetoed. As a result, these sections have no legal effect.

EFFECTIVE DATE: January 1, 2022, except a technical change is effective upon passage.

§ 288 — SOLID WASTE REDUCTION PROGRAM

Requires DEEP, within available resources, to develop and implement a program to support strategies for reducing solid waste

The act requires the DEEP commissioner, within available resources, to develop and implement a program to support solid waste reduction strategies that are consistent with the state's Comprehensive Materials Management Strategy (CMMS). The strategies may include solid waste and organic materials diversion,

unit-based pricing, and reuse and recycling strategies, among others.

The CMMS (i.e., the revised statewide Solid Waste Management Plan) includes a plan for diverting, through source reduction, reuse, and recycling, at least 60% of the solid waste generated in the state after January 1, 2024, to meet the state’s statutory diversion goal (CGS § 22a-241a).

EFFECTIVE DATE: July 1, 2021

§ 289 — ESSENTIAL WORKERS COVID-19 ASSISTANCE PROGRAM

Establishes the Essential Workers COVID-19 Assistance Program to provide benefits, within available funds, for lost wages, out-of-pocket medical expenses, and burial expenses to qualifying essential employees who could not work due to contracting COVID-19

The act establishes the Connecticut Essential Workers COVID-19 Assistance Program to provide benefits for lost wages, out-of-pocket medical expenses, and burial expenses to certain essential employees who could not work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19. The program’s benefits are available within available funds and on a first-come, first-served basis, pending verification of eligibility, through June 30, 2024.

EFFECTIVE DATE: October 1, 2021

Eligibility Criteria

Under the act, an “affected person” eligible for program benefits is an “essential employee” who:

1. died or could not work due to contracting COVID-19, or symptoms that were later diagnosed as COVID-19, between March 10, 2020, and July 20, 2021;
2. had the contraction of COVID-19 confirmed by a positive lab test or, if one was not available, diagnosed based on the employee’s symptoms and documented by a licensed physician, physician assistant, or advanced practice registered nurse;
3. provides a copy of the test or diagnosis documentation to the program’s administrator; and
4. during the 14 consecutive days immediately before the employee’s death or inability to work, (a) did not work solely from home, with no physical interaction with other employees, or (b) received an individualized written offer or directive to work solely from home, but otherwise chose to work at the employer’s worksite.

An affected person does not include a federal employee who qualifies for benefits under the COVID-19 workers’ compensation presumption included in the American Rescue Plan Act of 2021.

“Essential employees” are those employed in a category that the Centers for Disease Control and Prevention’s (CDC) Advisory Committee on Immunization Practices, as of February 20, 2021, recommended to receive a COVID-19 vaccination in phase 1a or 1b of the COVID-19 vaccination program. (These include health care personnel, firefighters, police officers, corrections officers,

food and agricultural workers, manufacturing workers, grocery store workers, public transit workers, education sector workers, and child care workers.)

Program Administration

The act requires the program's administrator (i.e., the Office of the Comptroller or a third-party administrator) to start accepting applications for program benefits on October 1, 2021. (It does not specify how a third-party administrator may be selected for the program.)

The act authorizes the administrator to do the following:

1. determine whether an affected person is eligible for benefits and, if so, the benefit amount;
2. summon and examine under oath any witnesses who may provide relevant information about an affected person's eligibility;
3. direct the production of, and examine or cause to be produced or examined, any books, records, vouchers, memoranda, documents, letters, contracts, or other papers related to any matter at issue that the administrator deems proper; and
4. take or cause to be taken affidavits or depositions within or outside of the state.

Program Fund

The act establishes the Connecticut Essential Workers COVID-19 Assistance Fund as a separate, nonlapsing account within the General Fund. The account must contain any moneys that the law requires to be deposited in it. Account funds must be spent by the comptroller, at the administrator's discretion, for paying the program's benefits, operating costs, and expenses, including hiring necessary employees and spending for public outreach and education about the program and fund.

Under the act, no more than 5% of the total moneys received by the fund can be used for administrative costs, including (1) the cost of hiring temporary or durational staff or contracting with a third-party administrator or (2) other connected costs and expenses incurred by the administrator or comptroller. The act also requires the administrator to make all reasonable efforts to limit the program's operating costs and expenses without compromising affected persons' access to it.

Starting by January 1, 2022, the act requires the comptroller to submit monthly reports to the administrator indicating the fund's value at the time of the report. He must also submit these reports upon the administrator's request.

Applications

To apply for program benefits, the act requires an affected person to submit a claim to the program administrator by July 20, 2022, in a form that the administrator requires. An affected person may apply regardless of whether he or

she has a pending workers' compensation claim related to COVID-19. But if the person does not have such a claim pending, he or she must submit a claim to the administrator, in a form the administrator requires, by the later of (1) July 20, 2022, or (2) one year after the person was initially unable to work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19.

The claim must include the following:

1. a certificate issued by a licensed medical professional documenting the laboratory test or diagnosis that the affected person contracted COVID-19 (a) requiring the person to isolate and quarantine from others, (b) preventing the affected person from working, or (c) requiring in-patient or outpatient medical treatment;
2. for requesting uncompensated leave benefits, evidence of (a) the affected person's weekly earnings during the eight weeks immediately before the diagnosis, or for an employee who had not yet worked for an eight-week period, for the period the employee was employed, and (b) uncompensated leave due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19;
3. for requesting benefits for out-of-pocket costs for medical and surgical aid or hospital or nursing services, evidence of these costs; and
4. any additional information the administrator requests or requires.

Under the act, "uncompensated leave" is the wages or salary lost by an affected person unable to work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19 at any time during the public health and civil preparedness emergencies declared by the governor on March 10, 2020, or any extensions of them. It does not include any employment leave for which the person received paid leave provided through an employer's paid leave plan or under a state or federal law.

Benefits

The act generally requires the program to provide benefits for uncompensated leave, out-of-pocket medical costs, and burial expenses. Benefits are subject to available funds and payable on a retroactive basis from the date the person was initially unable to work due to contracting COVID-19 or symptoms later diagnosed as COVID-19, but no earlier than March 10, 2020, and no later than July 20, 2021.

Under the act, any benefits provided through the program are not considered income under the state's personal income tax law, corporation tax, or any other tax laws.

Uncompensated Leave. The act provides weekly benefits for all uncompensated leave, calculated as (1) 75% of the affected person's average weekly net earnings (i.e., after deductions for state and federal taxes), up to the average weekly earnings of all workers in the state (as calculated by the labor commissioner), and then (2) reduced by any unemployment benefits received, and workers' compensation temporary total or temporary partial disability benefits provided, for the same days of claimed benefits.

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Under the act, a person's average weekly earnings are based on the eight weeks immediately before the date the person was initially unable to work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19. For someone who had not yet worked eight weeks for their employer, the average weekly earnings are based on the period that the person was employed.

Out-of-Pocket Medical Costs. The act provides benefits for all documented, out-of-pocket, COVID-19-related costs for medical and surgical aid or hospital and nursing services incurred directly because the affected person contracted COVID-19, including medical rehabilitation services, mental health therapy services, and prescription drugs.

Burial Expenses. The act provides \$3,000 for burial expenses if an employee (presumably, the affected person) died due to contracting COVID-19 during the current COVID-19 declared public health and civil preparedness emergencies or any new ones declared by the governor because of a COVID-19 outbreak in the state.

Claim Determinations

The act requires the administrator to promptly review the claims and evaluate each one to determine whether it should be approved and, if so, the benefit amount, based on the information the affected person provided or additional information provided at the administrator's request. The administrator must provide a written determination to the affected person within 60 business days after receiving the claim notice or, if the administrator requested additional information, within 10 business days after receiving that information. The administrator must direct the comptroller to pay the program's benefits offered to the affected person in the amount and for the duration determined by the administrator, if applicable.

Interaction With Workers' Compensation Claims

Under the act, a pending workers' compensation claim submitted by an affected person must not prevent the administrator from approving the person's claim for program benefits. However, any workers' compensation benefits the affected person receives for the workers' compensation claim must be offset by the amount of uncompensated leave benefits that the person receives from the program as deemed appropriate by the presiding workers' compensation commissioner.

In addition, any benefits available from the program must be offset by any workers' compensation benefits already paid to the affected person for the uncompensated leave or out-of-pocket medical costs, including payments made without prejudice (i.e., payments made by the insurer before it formally accepts liability for the claim). The act makes the fund (presumably the program's) administrator responsible for notifying the Workers' Compensation Commission about an available offset.

Appeals

The act allows an affected person to request that a claims determination be reconsidered by the administrator's designee by filing a request with the administrator on a form it prescribes. The request must be filed within 20 business days after the determination notice was mailed. Within three business days after receiving the request, the administrator must designate someone to conduct the reconsideration and must give him or her all documents related to the affected person's claim. The designee must conduct the requested reconsideration, which must consist of a de novo review of all relevant evidence, within 20 business days after the designation.

The act requires the designee to issue the decision affirming, modifying, or reversing the administrator's decision within 20 business days and submit it in writing to the administrator and the affected person. The decision must include a short statement of findings that specifies any benefits to be paid to the affected person as required under the act. An affected person cannot further appeal a case beyond the administrator's designee.

Under the act, any statement, document, information, or matter may be considered by the administrator or, on reconsideration, by the administrator's designee if, in his or her opinion, it contributes to a determination of the claim, whether or not the same would be admissible in a court.

Overpayments and Fraud

If a claim is paid to an affected person erroneously or due to the person's willful misrepresentation, the act allows the administrator to seek repayment of benefits from the affected person. In the case of willful misrepresentation, the administrator may also seek payment of a penalty equal to 50% of the benefits paid because of the misrepresentation.

Report

Starting by January 1, 2022, the act requires the administrator to submit quarterly reports on the financial condition of the Connecticut Essential Workers COVID-19 Assistance Fund to the Labor and Public Employees Committee. The report must include (1) an estimate of the fund's value as of the date of the report; (2) the effect of scheduled payments on the fund's value; (3) an estimate of the monthly administrative costs necessary to operate the program and the fund; and (4) any legislative recommendations to improve the operation or administration of the program and the fund.

§ 290 — BAN ON EMPLOYEE DISCIPLINE AND MISINFORMATION FOR WORKERS' COMPENSATION CLAIMS

Prohibits employers from (1) disciplining employees for filing workers' compensation claims and (2) deliberately misinforming them about or dissuading them from filing claims for workers' compensation or the Connecticut Essential Workers COVID-19 Assistance Program

The law prohibits employers from discharging or discriminating against an employee because the employee filed a workers' compensation claim or exercised his or her rights under the workers' compensation law. The act expands this protection to also prohibit employers from (1) disciplining employees for filing a claim or exercising their rights and (2) deliberately misinforming or dissuading them from filing a claim for workers' compensation benefits or, starting October 1, 2021, a claim for benefits from the Connecticut Essential Workers COVID-19 Assistance Fund.

The act allows employees subjected to a violation to either bring a lawsuit in Superior Court or file a complaint with the Workers' Compensation Commission. (However, it appears that the awards specifically allowed in these cases (e.g., reinstatement, back pay, and reestablishment of benefits) would not provide a remedy for an employee who was deliberately misinformed or dissuaded from filing a claim.)

EFFECTIVE DATE: Upon passage

§ 291 — WORKERS' COMPENSATION BURIAL EXPENSES

Increases the workers' compensation benefit for burial expenses from \$4,000 to \$12,000, with annual adjustments for inflation

The act increases the workers' compensation benefit for burial expenses from \$4,000 to \$12,000, as of when the act passed (June 23, 2021). Then, starting January 1, 2022, it requires the benefit to be annually adjusted by the previous calendar year's percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Northeast, with no seasonal adjustment, as calculated by the federal Bureau of Labor Statistics.

EFFECTIVE DATE: Upon passage

§§ 292 & 293 — INVESTMENT OF CERTAIN MUNICIPAL RETIREMENT FUNDS

Allows certain municipalities to invest their retirement system assets with trust funds that are administered, held, or invested by the state treasurer

The act allows a municipality that does not participate in the Connecticut Municipal Employees Retirement System (CMERS) to invest its retirement system's assets with certain of the state's combined retirement plans and trust funds. It allows these municipalities to invest in state plans and funds that are administered, held, or invested by the state treasurer (i.e., the Connecticut Retirement Plans and Trust Funds). The act also authorizes the treasurer to adopt regulations to allow for the funds' investment.

The act places municipal retirement systems' trust funds that are invested by the state treasurer, pursuant to the act, under the same oversight and requirements established in the trust statutes for funds that include the Teachers' Pension Fund, the State Employees Retirement Fund, and the Connecticut Municipal

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Employees' Retirement Fund. Among other things, these provisions include investment review by the Investment Advisory Council.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

§ 294 — HEALTH INSURANCE EXCHANGE ASSESSMENTS AND ALL-PAYER CLAIMS DATABASE

Allows the state's health insurance exchange to (1) impose assessments on health carriers to cover the costs of the all-payer claims database and (2) with OPM's approval, enter into an agreement with OHS to use these funds for the database

By law, the state's health insurance exchange (HIE) charges assessments or user fees to health carriers capable of offering a qualified health plan through the exchange to cover the exchange's costs. The act allows the HIE to also charge these assessments or user fees to cover the costs of the state's all-payer claims database (APCD). As under prior law, the HIE may impose interest and penalties on health carriers for delinquent payments of these assessments or fees.

The act also authorizes the HIE to enter into an agreement with OHS to (1) use the funds collected for the APCD's operation and (2) receive data from the APCD database. Under the act, the agreement must be approved by OPM and is not considered proprietary.

By law, OHS administers the APCD, which collects data relating to medical, pharmacy, dental, and other insurance claims information from public and private health insurers.

EFFECTIVE DATE: January 1, 2022

§ 295 — INSURANCE FUND AND OHS

Requires the amount annually appropriated from the Insurance Fund to OHS to be reduced by the amount of Medicaid reimbursement the state received for allowable administrative expenses

Existing law requires insurance companies and hospital and medical service corporations to annually pay into the Insurance Fund an amount that covers OHS's appropriation, including fringe benefits and certain capital equipment purchases. The act requires the appropriation amount to be reduced by the amount of federal Medicaid reimbursement the state receives for allowable Medicaid administrative expenses.

EFFECTIVE DATE: January 1, 2022

§§ 296-305 — WORK ZONE SPEED CAMERA PILOT PROGRAM

Allows DOT to establish a two-year pilot program by January 1, 2022, to operate speed cameras at up to three highway work zones; establishes conditions and procedures for camera operation, violation enforcement, and data collection and retention

The act allows the Department of Transportation (DOT) to establish a pilot program to operate speed cameras at up to three locations, at any one time, on

state limited access highways where construction, maintenance, or utility work is occurring (i.e., highway work zones). The program must begin by January 1, 2022, and end on December 31, 2023. By January 1, 2024, the DOT commissioner must assess the pilot program's efficacy and report on the assessment to the Transportation and Appropriations committees.

The act specifically prohibits drivers from exceeding the posted speed limit by 15 or more mph, as detected by a speed camera, in a highway work zone where a speed camera is operating. It sets requirements and conditions for speed camera placement and operation and establishes procedures for issuing tickets and enforcing violations.

The act also allows DOT to adopt regulations to implement the program and establish standards and procedures for speed cameras.
EFFECTIVE DATE: October 1, 2021

Speed Camera Placement and Operation

Under the act, speed cameras (which the act calls “work zone speed control systems”) are devices with one or more sensors connected to a camera system that can produce images indicating the date, time, and location that a motor vehicle allegedly violated the act.

The act places the following conditions and requirements on speed camera placement and operation:

1. cameras may only be operated on limited access highways where the speed limit, established using generally accepted engineering practices, is 45 mph or more;
2. cameras must be operated by someone trained and certified to operate them (i.e., a “work zone speed control system operator”);
3. drivers must be given notice through signs and DOT’s website (see below);
4. cameras may only record images of motor vehicles speeding in violation of the act and the images may not be used for surveillance;
5. DOT or the camera operator must certify to the State Police when cameras are operational; and
6. camera operators must meet certain training, recordkeeping, and testing requirements.

Notice Requirements. For highway work zones with operational speed cameras, the act requires (1) two conspicuous road signs to be placed at a reasonable distance before the zones and (2) an appropriate sign to be conspicuously placed at their end points. The signs ahead of the zones must be placed in accordance with the federal Manual on Uniform Traffic Control Devices, as approved by the Office of State Traffic Administration, and at least one of them must indicate whether or not the speed cameras are operating.

The act also requires DOT to post a notice identifying the locations of work zone speed cameras on its website.

Vendors and Contracts. The act allows the DOT commissioner to (1) enter into agreements with “vendors” for speed camera design, operation, or

maintenance, or a combination of them and (2) retain and employ consultants and assistants by contract or another basis for legal, financial, professional, technical, or other services necessary for camera design, operation, and maintenance. If a vendor provides, deploys, or operates speed cameras, the vendor's fee may not be contingent on the number of violations issued or fines paid under the act.

A "vendor" is someone who (1) provides speed camera-related services; (2) operates, maintains, leases, or licenses speed cameras; or (3) reviews and assembles the images the cameras record.

Camera Training and Recordkeeping. The act requires speed camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the speed camera's set up, testing, and operation. The training must also cover any devices critical to a camera's operation. Upon training completion, the manufacturer or its representative must issue a signed certificate to the operator, which must be admitted as evidence in any court proceeding for a violation of the act.

Speed camera operators must complete and sign a daily log for the speed camera that (1) states the date, time, and location of its set up; (2) states that they successfully performed, and the camera passed, the testing specified by the camera manufacturer; (3) must be kept on file at the operator's principal office; and (4) must be admitted as evidence in any court proceeding for a violation of the act.

The act also requires speed cameras to have an annual calibration check performed at a calibration laboratory. The laboratory must issue a signed certificate of calibration after the check, which must be kept on file and admitted as evidence in any court proceeding for a violation of the act.

Ticket Issuance and Processing

When a speed camera detects and produces images of a vehicle allegedly violating the act's speeding prohibition, a sworn or authorized member of the State Police must review the images. If, upon review, the member determines there are reasonable grounds to believe a violation occurred, the member may issue a written violation notice. The notice must be sworn or affirmed by the member and treated as prima facie evidence of the facts in it.

Under the act, the notice must include the following:

1. a copy of the image showing the vehicle and its license plate;
2. the vehicle's registration number and issuing state;
3. the date of the most recent calibration check and verification that the camera was operating correctly during the violation; and
4. the date, time, and location of the alleged violation.

For vehicles registered in Connecticut, the act requires the violation notice to be sent by first class mail to the address on file with DMV within 30 days after the alleged violation occurred or the vehicle owner's identity is ascertained, whichever is later. For vehicles registered elsewhere, the notice must be similarly sent to the address on file with the issuing jurisdiction within 30 days after ascertaining the owner's identity. However, the act makes notices of violation

invalid if they are mailed later than 90 days after an alleged violation. Manual or automatic records of mailing prepared by the speed camera operator in the ordinary course of business are prima facie evidence of mailing and are admissible in any court proceeding as to facts the notice contains.

The act requires DMV to provide DOT and any camera vendor with information on owners of vehicles recorded violating the act's speeding provision, including the (1) vehicle's make and license plate number and (2) owner's name and address.

Under the act, owners who receive violation notices must follow Centralized Infractions Bureau procedures for mail-in violations.

Enforcement and Penalties

Under the act, owners of motor vehicles captured violating its speeding prohibition must (1) receive a written warning for a first violation, (2) be fined \$75 for a second violation, and (3) be fined \$150 for a subsequent violation. The owner is liable for the fine unless the driver received a citation from a law enforcement officer when the violation occurred. All fine amounts received must be deposited into the Special Transportation Fund.

The act prohibits violations under the act from being (1) included in the driver's driving record, (2) the subject of merit rating for insurance purposes, or (3) used to impose surcharge points for auto insurance coverage.

The act makes the following two defenses specifically available to owners of vehicles captured violating the act's speeding prohibition:

1. the violation happened during a time when the vehicle was reported stolen to law enforcement and had not yet been recovered and
2. the camera used to determine speed did not comply with the act's requirements on accuracy testing, certification, or calibration.

If a vehicle owner does not pay the fine imposed under the act or after being found guilty at trial for committing the violation, DMV may refuse to register the vehicle or suspend its registration.

Privacy

The act prohibits DOT or a vendor from selling or disclosing "personally identifiable information" to any person or entity unless the disclosure is made (1) in connection with charging, collecting, and enforcing fines imposed under the act; (2) pursuant to a judicial order in a criminal proceeding; or (3) to comply with state or federal law or regulation. It also (1) prohibits DOT or a vendor from storing or keeping this information unless it is necessary to collect and enforce fines imposed under the act and (2) exempts this information from disclosure under the Freedom of Information Act.

Under the act, "personally identifiable information" is information DOT or a vendor creates or maintains that identifies or describes a vehicle owner and includes the owner's address; phone number; license plate; photo; bank account information; credit card or debit card number; or the date, time, location, or

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direction of travel on a limited access highway.

Unless otherwise required by law or related to an administrative summons or judicial order in a criminal proceeding, the act requires DOT or a vendor to destroy personally identifiable information and other data specifically identifying a motor vehicle and relating to an alleged violation within one year after a fine is imposed or a trial is resolved.

But it allows DOT or a vendor to disclose, for DOT-authorized research purposes, aggregate information and other data from speed cameras that do not directly or indirectly identify an owner or a motor vehicle.

§§ 306 & 307 — ARPA ALLOCATIONS

Adjusts ARPA funding allocations made in the state budget act; allocates ARPA funds for specified broadband and technology projects

Allocation Adjustments (§ 306)

The act adjusts ARPA funding allocations made in the biennial budget act in FYs 22-24 (SA 21-15). The adjustments result in a net increase of \$214.9 million across the three fiscal years.

Broadband and Technology Projects (§ 307)

The act allocates approximately \$39.5 million in ARPA funds in FY 22 and \$25 million in FY 23 for specified broadband and technology projects, as shown in the table below.

ARPA Allocations for Broadband and Technology Projects

Agency	Project	FY 22	FY 23
OPM	Statewide GIS capacity for broadband mapping/data and other critical services supporting remote work, health, and education	\$9,532,000	N/A
	Connectivity for Health and Mental Health Centers/Organizations	N/A	\$25,000,000
DEEP	Low-Income/Multi-family Curb-to-home Broadband infrastructure buildout	\$10,000,000	N/A
	Underserved Area Broadband Infrastructure Grants	\$10,000,000	N/A
DAS	Connecticut Education Network Wi-Fi connectivity and broadband for public spaces	\$10,000,000	N/A

EFFECTIVE DATE: Upon passage

§§ 308 & 316 — CARRYFORWARDS

Adjusts certain carryforwards in the biennial budget act

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The biennial budget act (SA 21-15) carries forward prior years' appropriations to FY 22 and requires that they be transferred for specified purposes in FYs 22 and 23. This act modifies certain carryforwards in the budget act and adds new ones, as shown in the table below.

Adjustments to Carryforwards

Agency and Purpose	Budget Act	This Act
UConn: operating expenses	Up to \$7,516,899 in FY 22 and \$8,570,352 in FY 23	None in FY 22; up to \$6,087,251 in FY 23
DECD: statewide marketing	Up to \$15 million in FY 22	Up to \$7,893,000 in FY 22
DAS: workers' compensation claims	Up to \$34 million in FY 22	None (transferred to state comptroller instead, see below)
State comptroller: other expenses	N/A	Up to \$34 million in FY 22
Insurance Department: other expenses	Up to \$500,000 in FY 22 for technology funding	Up to \$500,000 in FY 22 for technology upgrades (see § 316)
SDE: other expenses	N/A	Up to \$1.1 million in FY 22 for grant for Wilbur Cross Fields
DEEP: other expenses	N/A	Up to \$11 million in FY 22 for grants for (1) Batterson Park (\$10 million), (2) Peat Meadow Park (\$500,000), and (3) East Shore Park (\$500,000)
DECD: other expenses	N/A	Up to \$5,007,000 in FY 22 for grants for (1) Keney Golf Course (\$3 million), (2) Elizabeth Park (\$2 million), and (3) Joseph St. Germain American Legion Post 85 for Veterans Memorial Park (\$7,000)

EFFECTIVE DATE: Upon passage

§ 309 — STATE CONTRACTING STANDARDS BOARD (SCSB) OVERSIGHT OF THE CONNECTICUT PORT AUTHORITY

Subjects the Connecticut Port Authority to SCSB oversight until July 1, 2026

The act subjects the Connecticut Port Authority (CPA) to SCSB's oversight until July 1, 2026, by making it a "state contracting agency" under SCSB's authorizing statutes, except for the state's privatization law (see *Background*). The table below lists a selection of SCSB statutes applicable to state contracting

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agencies that the act extends to CPA.

The act also makes a conforming change so that CPA's property transactions are subject to SCSB's authority. (SCSB's authorizing statutes give the board authority over certain transactions involving interests in, and leases of, real property (CGS § 4e-1(22) & (30)).)

Selected SCSB Statutes Applicable to CPA Under the Act

Statute	Description
CGS § 4e-3	SCSB may exercise CPA's contracting-related powers, rights, and duties
CGS § 4e-4	SCSB must review, certify, and periodically recertify CPA's procurement processes
CGS § 4e-5	CPA must appoint a procurement officer
CGS § 4e-6	SCSB must audit CPA's compliance with procurement laws and regulations every three years
CGS § 4e-7	SCSB may, under specified conditions, (1) review and terminate CPA's contracts and procurement agreements or (2) restrict or terminate its ability to enter into contracts
CGS § 4e-14	CPA's contracts must contain provisions ensuring accountability, transparency, and results-based outcomes, as prescribed by SCSB (It appears SCSB has not prescribed any such standards for state contracting agencies to date)
CGS § 4e-19	CPA must use specified procurement methods when purchasing goods and services (these provisions require SCSB to adopt implementing regulations before they become operative, but the board has not adopted these implementing regulations to date)
CGS § 4e-39	CPA solicitations or proposed awards are subject to cancellation if SCSB finds that a violation of the law has occurred
CGS § 4e-40	SCSB may, after a CPA contract is awarded, take certain actions, including terminating the contract, if SCSB finds it violates the law

EFFECTIVE DATE: Upon passage

Background — Privatization Law

By law, if a state contracting agency seeks to enter into a contract that privatizes services performed by state employees, it generally must conduct a cost-benefit analysis and submit a business case to SCSB for its approval. The business case must include, among other things, the cost-benefit analysis and 11 other analyses relating to the privatized service, such as its goals and their rationale, and options for achieving them (CGS § 4e-16(d)). An agency may publish notice soliciting bids for a privatization contract only after the board approves the business case.

For privatization contracts not subject to this requirement (i.e., contracts for services that are currently privatized), state contracting agencies must instead evaluate the contract, using a template prescribed by the OPM secretary, to

determine if entering into or renewing it is the most cost-effective way of delivering the service.

§ 310 — MEDICARE SUPPLEMENT PLANS

Allows insurers and related entities to offer Medigap plan D and makes related changes; makes a conforming change to exempt entities from offering plan C, to comport with federal law

The act allows insurers, HMOs, and other related entities to issue Medicare Supplement (i.e., Medigap) policies and certificates for plan D, in addition to plans A, B, and C as under existing law. (These are standardized plans for which the federal government sets the benefits. Medigap plans generally cover certain expenses that Medicare does not.)

By law, entities that issue Medigap plans A, B, or C to people eligible for Medicare based on age must also offer them to people eligible for Medicare based on disability. The act extends this requirement to entities that issue plan D.

The act also exempts entities from offering plan C to any person newly eligible for Medicare. (As of January 1, 2020, federal law restricts the sale of plan C to those eligible for Medicare before that date.)

EFFECTIVE DATE: July 1, 2021

§ 311 — FLEX RATING LAW

Delays the sunset date for the personal risk insurance “flex rating” law until July 1, 2025

The act delays the sunset date for the personal risk insurance (e.g., home, auto, marine, or umbrella) “flex rating” law from July 1, 2021, to July 1, 2025. The flex rating law allows property and casualty insurers to file new personal risk insurance rates with the insurance commissioner and begin using them immediately, without prior approval, under certain circumstances.

Under the flex rating law, a personal risk insurance rate cannot (1) increase or decrease by more than 6% statewide or (2) increase by more than 15% in any individual territory. If the insurance commissioner determines rates are inadequate or unfairly discriminatory, he must order the insurer to stop using the flex rating rate change by a specified future date.

EFFECTIVE DATE: June 30, 2021

§ 312 — INSURANCE REPORT CONCERNING CLIMATE CHANGE

Requires the insurance commissioner to report biennially, until April 1, 2032, on the Insurance Department’s regulatory and supervisory actions to bolster insurers’ resiliency to climate change impacts

The act requires the insurance commissioner to biennially submit a report to the Insurance and Real Estate Committee beginning by April 1, 2022, until April 1, 2032. The report must disclose, for the last two years, the Insurance Department’s regulatory and supervisory actions to bolster insurers’ resiliency to

climate change's physical impacts. It must also disclose the department's progress toward:

1. addressing climate-related risks, including integrating climate-related risks into risk-based capital requirements, supervisory examinations, and own risk and solvency assessments and
2. incorporating the reduced levels of greenhouse gas emissions established in state law (CGS § 22a-200a) into the department's regulatory and supervisory actions by, at a minimum, addressing the impacts of thermal coal, tar sands, and Arctic oil and gas.

Under the act, the commissioner may engage the services of third-party actuaries, professionals, and specialists as necessary to help him fulfill this reporting requirement.

EFFECTIVE DATE: October 1, 2021

§ 313 — HEALTH CARE COVERAGE IDENTIFICATION CARDS

Requires that health care coverage ID cards note whether the coverage is fully- or self-insured

The act requires each health carrier or third-party administrator that issues a health care coverage identification card in the state to include a statement on the card identifying if the coverage is fully-insured or self-insured. The statement must be prominently displayed in an understandable, standard form that the insurance commissioner prescribes.

The act authorizes the insurance commissioner to adopt implementing regulations.

EFFECTIVE DATE: January 1, 2022

§ 314 — TEACHERS' RETIREMENT DEATH BENEFIT CALCULATION

Changes the death benefit for Teachers' Retirement System (TRS) members based on accumulated years of service rather than retirement date

The act changes the way the death benefit partial refund is determined for TRS members based on their accumulated years of service rather than their retirement date. The death benefit partial refund gives a member's designated beneficiary a partial refund of the member's pension contributions if the member dies while receiving benefits but has only collected a limited amount.

Prior law used two different thresholds for this calculation. For those who retired before July 1, 2019, if the aggregate benefits paid to a member prior to death were less than four times the member's accumulated contributions, then the member's designated beneficiary was paid a lump sum amount equal to the difference between (1) the payments and (2) the contributions, plus interest. But for members who retired on or after July 1, 2019, the threshold was whether the aggregate benefits paid to the member were less than twice the member's accumulated contributions.

The act replaces the existing calculation with one that establishes two different reduction amounts based on when a retiree accumulated 10 years of TRS

service credit. The beneficiary is generally paid a lump sum equal to the sum of the member's accumulated regular contributions, including any 1% contributions withheld prior to July 1, 1989, any voluntary contributions, and credited interest accrued to the date benefits started. But the amount is reduced:

1. by 25% of the aggregate benefits paid to the member before death for those with 10 years of service before July 1, 2019, and
2. by 50% of the aggregate benefits paid to the member before death for those with 10 years of service on or after July 1, 2019.

EFFECTIVE DATE: Upon passage

§ 315 — FANTASY CONTESTS PROVISIONAL LICENSES

Requires DCP to issue provisional licenses to the Mashantucket Pequot and Mohegan tribes and the Connecticut Lottery Corporation (CLC) to operate off-reservation fantasy contests

PA 21-23 authorizes master wagering licensees (i.e., the Mashantucket Pequot and Mohegan tribes, or a tribe's instrumentality or affiliate, and CLC) to operate fantasy contests once they have obtained a master wagering license.

Regardless of any state laws, this act requires the Department of Consumer Protection (DCP) commissioner, by July 1, 2021, to issue provisional licenses to CLC and each tribe, or a tribe's instrumentality or affiliate wholly-owned by a tribe, to operate fantasy contests outside the tribes' reservations but within the state under certain conditions.

The act also allows provisional licensees to contract with certain individuals or entities to operate fantasy contests. Additionally, it prohibits anyone from offering or operating fantasy contests unless the person has a provisional license to operate fantasy contests or is operating them through a contract with a provisional licensee.

EFFECTIVE DATE: Upon passage

Fantasy Contests Defined

By law, a "fantasy contest" is any fantasy or simulated game or contest (excluding lottery games) conducted over the Internet, including through a website or mobile device, in which:

1. players pay an entry fee;
2. the value of all prizes and awards is established and made known to players before the game or contest;
3. all winning outcomes reflect player knowledge and skill and are determined predominantly by accumulated statistical results of participants' performance in events; and
4. the winning outcome is not based on the score, point spread, or performance of any single team or combination of teams or solely on any single performance of a contestant or player in a single event (PA 21-23, § 1).

Conditions for Issuing Provisional Licenses

The act requires the following before provisional licenses may be issued:

1. each tribe must enter into an MOU with the governor on operating fantasy contests under a provisional license, with each MOU deemed approved when the governor enters into it, without further action by the legislature;
2. the president or chief officer who is the top ranking official of CLC and each tribe, or a tribe's instrumentality or affiliate, must certify to the DCP commissioner that it will operate all fantasy contests in conformance with operation and management standards that are substantially in compliance with the goals of PA 21-23 and remain in compliance with this act's provisions while the provisional license is valid; and
3. the DCP commissioner must receive a completed application for the provisional license from the applicant (on a form the commissioner prescribes).

Provisional License Terms

The act requires that all provisional licenses expire simultaneously on the earlier of September 30, 2021, or the date on which all master wagering licenses have been issued under PA 21-23. However, before expiration of the provisional license and if necessary to continue operating fantasy contests, the act allows provisional licensees to obtain a one-time extension of up to 150 days from the DCP commissioner. During the extension, the commissioner may require the licensees to bring their fantasy contest operations into compliance with the department's regulations or proposed regulations published on the state's eRegulations System.

Contracting Conditions

The act allows provisional licensees to contract with individuals or entities that maintain a valid license to operate or offer fantasy contests under at least one other state's regulatory framework. However, if an individual or entity has operated fantasy contests in Connecticut before July 1, 2021, the act requires the individual or entity, before contracting with a provisional licensee, to pay the state treasurer 10.5% of the individual's or entity's gross receipts from July 1, 2019, to May 31, 2021. "Gross receipts" means the total of all entry fees collected from all players, less the total amount paid out as prizes to players, multiplied by the location percentage. "Location percentage" means the percentage rounded to the nearest tenth of a percent of the total entry fees collected from players located in Connecticut, divided by the total entry fees collected from all players in fantasy contests (CGS §§ 12-578aa & -578bb, as in effect prior to July 1, 2021).

§§ 317 & 318 — PERSONAL NEEDS ALLOWANCE INCREASE

Increases from \$60 to \$75 per month, the personal needs allowance provided to certain long-term care facility residents

The act requires the DSS commissioner to increase, from \$60 to \$75 per month, the personal needs allowance (PNA) provided to long-term care facility residents who receive Medicaid or certain other federal or state assistance.

Covered facilities include nursing homes, chronic disease hospitals, and state humane institutions. Residents of these facilities who receive Medicaid apply their monthly income (e.g., Social Security) towards the cost of their care. But federal law allows them to keep a portion of this income (the PNA) to pay for incidental items, such as haircuts, telephone expenses, and newspapers, or for hobbies. Facilities deposit the PNA into residents' personal fund accounts.

EFFECTIVE DATE: July 1, 2021

§ 319 — ACUITY-BASED NURSING HOME RATES

Requires DSS to establish acuity-based rates for nursing homes beginning with FY 23 and establishes related requirements; requires DSS to determine a facility's certified bed utilization at a minimum of 90% of capacity for computing minimum allowable patient days; prohibits inflationary rate increases for nursing homes for FYs 22 and 23 unless authorized under DSS's case-mix adjustments

Transition to Acuity-Based Rates

Prior law required DSS to annually determine cost-based rates for room, board, and services provided by nursing homes, but also allowed DSS to establish acuity-based rates. Beginning FY 23 and each fiscal year afterwards, the act requires, rather than allows, DSS to establish these acuity-based rates based on cost years ending September 30. (Generally, acuity-based rates refer to rates that vary based on, among other things, the facility's patient case-mix.) The act requires that the acuity-based rates DSS establishes comply with federal law and regulations.

When establishing these rates, DSS must make case-mix adjustments to the direct care rate component, effective beginning July 1, 2022, based on (1) the federal Centers for Medicare and Medicaid Services' "Minimum Data Set" resident assessment data and (2) cost data reported for the cost year ending September 30, 2019. The act requires DSS to model the case-mix adjustments and evaluate their impact on each facility. The evaluation may review (1) inflationary allowances, (2) case-mix and budget adjustment factors, (3) stop-loss and stop-gain corridors, and (4) the ability to make case-mix adjustments within available appropriations. By October 1, 2021, DSS must make recommendations to the OPM secretary and report to the Appropriations and Human Services committees on any needed adjustments to facilitate the transition to acuity-based methodology on July 1, 2022.

The act requires nursing homes to comply with policies on collecting and reporting quality metrics beginning July 1, 2022. DSS must specify these policies after consulting with the nursing home industry, consumers, employees, and DPH. DSS must phase in rate adjustments based on performance on quality metrics beginning July 1, 2022, with a period of reporting only.

The act establishes five cost components for allowable costs under the acuity-

based rates. Existing law establishes similar components for cost-based ratemaking. However, the act's acuity-based provisions limit them as shown in the table below. The act also requires DSS to establish geographic peer groupings of facilities under regulations the department adopts.

Cost Components for Acuity-Based Ratemaking Under the Act

Component	Included Costs	Limit
Direct costs	Nursing personnel salaries and related fringe benefits and nursing pool costs	135% of the median allowable cost in the applicable peer grouping
Indirect costs	Professional fees, dietary expenses, housekeeping and laundry expenses, patient care supplies, and salaries and related fringe benefits for indirect care personnel	115% of the statewide median allowable cost
Fair rent	Defined in regulations adopted by the department	Calculated using the amount approved through DSS's certificate of need process
Capital-related costs	Property taxes, insurance expenses, equipment leases, and equipment depreciation	No maximum limit
Administrative and general costs	Plant maintenance and operation expenses, and salaries and related fringe benefits for administrative and maintenance personnel	Statewide median allowable cost

The act requires DSS to determine a facility's certified bed utilization at a minimum of 90% of capacity for purposes of computing minimum allowable patient days. New facilities and facilities certified for additional beds may be permitted a lower occupancy rate for the first three months of operation after their licensure becomes effective.

Other Requirements

The act prohibits inflationary rate increases to nursing homes for FYs 22 and 23 unless authorized for FY 23 as part of DSS's case-mix adjustments to the direct care rate component. However, it allows the DSS commissioner, in her discretion and within available appropriations, to provide proportional fair rent increases for FY 22 to nursing homes with documented fair rent additions placed in service in the cost report year ending September 30, 2020, that are not otherwise included in the rates issued.

EFFECTIVE DATE: Upon passage

§§ 320 & 345 — COST-BASED RATEMAKING FOR FACILITIES

OLR PUBLIC ACT SUMMARY

Makes several changes to cost-based ratemaking provisions that apply to (1) nursing homes for FY 22 and (2) residential care homes and ICF-IDs; for FYs 22 and 23, (1) allows certain increases for fair rent and capital improvements for residential care homes and ICF-IDs and (2) extends a provision requiring DSS to increase nursing home rates to increase employee wages and benefits

General Provisions

The act requires DSS to set FY 22 rates for nursing homes in accordance with cost-based ratemaking provisions in existing law and under the act as described below. Beginning with FY 23, DSS must set nursing home rates in accordance with acuity-based ratemaking provisions described above. Cost-based ratemaking continues for other facilities (residential care homes and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF-IDs)).

Existing law for cost-based ratemaking requires nursing homes, residential care homes, and ICF-IDs to submit annual reports to DSS on their costs, and, for nursing homes, information on certain related parties doing business with the facilities. Prior law required DSS to report the data in facility reports to the Appropriations Committee annually by April 1. The act instead requires DSS to report this data on its website. The act also eliminates a requirement that DSS hold a public hearing before making its annual cost-based rate determinations.

Prior law required DSS to adopt regulations to specify for inclusion in cost-based ratemaking any other allowable services required by a medical assistance beneficiary living in a facility but not already covered in cost-based rates. The act instead allows DSS to broadly implement, until regulations can be adopted, policies and procedures as necessary to carry out provisions on cost-based ratemaking for facilities under existing law and under the act. DSS must publish notice of intent to adopt regulations within 20 days after implementing the policy or procedure.

The act also eliminates a provision in prior law that required the DSS commissioner to allow residential care homes to use debt service instead of allowable property costs if she determined that a loan to be issued to the home by the Connecticut Housing Finance Authority was reasonable.

Nursing Home Employee Wages and Benefits (FYs 22 & 23)

Regardless of cost-based or acuity-based ratemaking provisions, the act extends through FY 23 a provision requiring DSS to increase nursing home rates within available appropriations to enhance employee wages and benefits. Under the act, facilities that receive a rate adjustment for this purpose but do not enhance wages or benefits before the end of the fiscal year may be subject to a rate decrease in the same amount as the increase. (See also §§ 323 and 324.)

ICF-ID Rates for FYs 22 & 23

For ICF-IDs, the act caps FY 22 rates at FY 21 amounts but allows the DSS

commissioner to provide proportional fair rent increases to facilities with documented fair rent additions placed in service in the cost report year ending September 30, 2020. The act similarly caps FY 23 rates at FY 22 amounts, with the same exception for fair rent additions placed in service in the cost report year ending September 30, 2021. In both years, fair rent increases are at the commissioner's discretion, within available appropriations, and for additions that are not otherwise included in issued rates. (See also § 325.)

Under the act, for FYs 22 and 23 and within available appropriations, an ICF-ID may receive a rate increase for a capital improvement for residents' health and safety approved by the Department of Developmental Services (DDS) in consultation with DSS. The act also extends, for FYs 22 and 23, a provision allowing the DSS commissioner to provide fair rent increases to facilities that have undergone a material change in circumstances related to fair rent with an approved certificate of need.

Regardless of these and other provisions on ICF-ID ratemaking, the act requires the DSS commissioner to increase rates for employee wage and benefit enhancements, effective July 1, 2021, and July 1, 2022. Facilities that receive a rate increase for this purpose but do not increase employee salaries by July 31, 2021, or July 31, 2022, respectively, may be subject to a corresponding rate decrease.

Residential Care Home Rates for FYs 22 & 23

For residential care homes, the act requires DSS to base FY 22 and 23 rates on FY 21 rates inflated by the gross domestic product deflator applicable to each rate year. It allows the DSS commissioner, in her discretion and within available appropriations, to provide proportional fair rent increases for FY 22 to facilities with documented fair rent additions placed in service in the cost year ending September 30, 2020, that are not otherwise included in the rates. The act allows the commissioner to do the same for FY 23 for documented fair rent additions placed in service in the cost year ending September 30, 2021.

The act also allows facilities to receive a rate increase for FYs 22 and 23, within available appropriations, for a capital improvement for residents' health or safety approved by DSS.

Additionally, the act makes technical and conforming changes (§ 345).
EFFECTIVE DATE: July 1, 2021

§ 321 — NURSING HOME TEMPORARY FINANCIAL ASSISTANCE

Requires DSS to issue one-time grants to nursing homes within its \$10 million ARPA allocation

The act requires DSS to provide temporary financial assistance to nursing homes from the \$10 million it received as Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 (P.L. 117-2). The act requires DSS to issue one-time grants (1) based on the percentage difference between the issued and calculated nursing home reimbursement rates and (2) subject to proportional adjustments based on available funding.

EFFECTIVE DATE: July 1, 2021

§ 322 — PRIVATE PROVIDER GRANT PROGRAM

Requires the DMHAS commissioner to establish grant programs to assist private providers

The act requires the Department of Mental Health and Addiction Services (DMHAS) commissioner to establish grant programs to assist private providers of DMHAS-authorized services. The commissioner must do so within available federal funds allocated to DMHAS as Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 (P.L. 117-2) and in accordance with related state law. For the grant programs in FYs 22 and 23, DMHAS must use the following allocated amounts each fiscal year: (1) \$15 million to enhance employee wages and (2) \$10 million for private providers' facility costs.

EFFECTIVE DATE: July 1, 2021

§§ 323 & 324 — NURSING HOME EMPLOYEE WAGES AND BENEFITS

Requires the DSS commissioner, within available appropriations, to provide a 4.5% increase to nursing home rates in FYs 22 and 23 for employee wages; appropriates \$15.4 million in FY 23 to provide rate increases for nursing homes that provide enhanced employee benefits

Employee Wages

The act requires the DSS commissioner to provide a 4.5% increase to nursing home rates in both FYs 22 and 23, if the increases are used to enhance facility employee wages. She must do so within available appropriations and regardless of cost-based or acuity-based rate setting provisions in existing law and under the act. Under the act, if a facility receives a rate increase but does not enhance employee wages, the DSS commissioner may decrease the rate by the same amount as the rate increase. (See also § 320.)

Enhanced Employee Health Care and Pension Benefits

The act allocates \$15.4 million from the General Fund appropriation to DSS in FY 23 to adjust reimbursement rates for nursing homes that provide enhanced health care and pension benefits for employees. Under the act, if a facility receives a rate increase but does not provide these enhanced benefits, the DSS commissioner may decrease its rate by the same amount as the rate increase. (See also § 320.)

EFFECTIVE DATE: Upon passage

§ 325 — INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF-ID) MINIMUM PER DIEM, PER BED RATE INCREASE

OLR PUBLIC ACT SUMMARY

Requires the DSS commissioner to increase the minimum per diem, per bed rates for ICF-IDs to \$501 for FYs 22 and 23

For FYs 22 and 23, the act requires the DSS commissioner to increase the minimum per diem, per bed rates for ICF-IDs to \$501, regardless of other statutory ratemaking provisions.

EFFECTIVE DATE: Upon passage

§ 326 — CONNECTICUT HOME CARE PROGRAM FOR THE ELDERLY

Reduces CHCPE copays from 9% to 4.5% and requires DSS to collect program data and report to committees of cognizance

The act reduces, from nine percent to four and one-half percent, the required co-payments for participants in the state-funded portion of the Connecticut Home Care Program for Elders (CHCPE) as shown in the table below.

CHCPE Participant Copayments Under Prior Law and the Act

Participant Category	Copayments Under Prior Law	Copayments Under Act
Participants with income at or below 200% of the FPL* and Medicaid-ineligible	9% of care costs/month	4.5% of care costs/month
Participants with income greater than 200% of the FPL	9% of care costs/month and an applied income amount (calculated by subtracting certain personal needs allowances from their gross income)	4.5% of care costs/month and the applied income amount
Participants living in government-subsidized affordable housing programs	An applied income copay if their income exceeds 200% of the FPL	No change
*In 2021, 200% of the federal poverty level (FPL) is \$25,760 for an individual and \$34,840 for a family of two		

The act also requires the DSS commissioner to collect data on CHCPE services including the: (1) number of participants before and after copayments are reduced under the act, (2) average hours of care provided per participant, and (3) estimated cost savings to the state by providing home care to participants who may otherwise receive nursing home care. She must report the results to the Aging, Appropriations, and Human Services committees by July 1, 2022.

Prior law allowed the DSS commissioner to implement revised criteria for

CHCPE’s operation while in the process of adopting them as regulations, if she published notice of intent to adopt the regulations in the Connecticut Law Journal within 20 days of implementing the policy. The act requires DSS to generally conform to the Uniform Administrative Procedure Act by instead posting the notice on the department’s website and the state’s eRegulations System.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 327 — TEMPORARY FAMILY ASSISTANCE

Excludes benefits received during the COVID-19 public emergency from the program’s time limit; eliminates reduced benefits for children born after program enrollment; requires lapsed funds to be used for cost of living adjustments under certain conditions

The act makes several changes to Temporary Family Assistance (TFA), the state’s cash assistance program for low-income families administered by DSS. Principally, it (1) excludes benefits received during the declared COVID-19 public health emergency from the program’s time limit; (2) eliminates reduced benefits for families with children born after program enrollment; and (3) beginning in FY 24, requires benefit increases when the program lapses funds, under certain conditions.

EFFECTIVE DATE: November 1, 2021

Time Limit

The federal Temporary Assistance for Needy Families (TANF) block grant partially funds TFA. Federal law generally imposes a 60-month lifetime limit for receiving TANF-funded cash assistance, though states may establish shorter time limits. By law, Connecticut generally applies a 21-month limit on receiving TFA benefits; however, it exempts families from these time limits under specified circumstances (e.g., a minor parent finishing high school). Non-exempt families may apply for up to two 6-month time-limit extensions if they meet certain criteria.

The act excludes from the 60-month limit any months a family received TFA cash benefits during the declared COVID-19 public health emergency. (Presumably, benefits beyond the federal limit are state-funded.)

TFA Child Cap

Under prior law, Connecticut reduced the benefits available to families with children born after their initial 10 months of TFA program participation by (1) decreasing by 50% the additional cash benefit they would otherwise receive for a child and (2) making the family ineligible for a time-limit exemption based on caring for the “capped child” under one year of age. The act eliminates these penalties.

TFA Cost of Living Adjustments

OLR PUBLIC ACT SUMMARY

Beginning in FY 24, whenever TFA-appropriated funds lapse at a fiscal year's end, the act requires the DSS commissioner to provide a cost of living adjustment (COLA) in TFA benefits equal to the most recent percentage increase in the Consumer Price Index for Urban Consumers if (1) the increase was not otherwise included in the program budget and (2) it would not create a budget deficiency in following years. Under the act, if the available lapsed funds are insufficient to cover a COLA, the commissioner must provide a prorated benefit increase.

§§ 328-330 — REFUND DISREGARDS IN CERTAIN ASSISTANCE PROGRAMS

Requires DSS to disregard tax refunds when calculating income eligibility for certain assistance programs

By law, DSS must disregard certain veteran's benefits when calculating income for specified (1) means-tested state assistance programs and (2) federally funded assistance programs, to the extent allowed by federal law. The act expands the income disregard to include any tax refund or advance payment with respect to a refundable credit, to the same extent it would be disregarded in any (1) federal program or (2) state or local program financed in whole or in part with federal funds (26 U.S.C. § 6409). Under the act, the income disregards apply to the following programs:

1. State Supplement Program (§ 328),
2. State Administered General Assistance (§ 329), and
3. Connecticut Home Care Program for Elders (§ 330).

EFFECTIVE DATE: July 1, 2021

§ 331 — MEDICAID PAYMENTS FOR ACUPUNCTURISTS AND CHIROPRACTORS

Requires the state Medicaid program to cover acupuncture and chiropractic services

The act requires the DSS commissioner to amend the Medicaid state plan by October 1, 2021, to include services provided by licensed acupuncturists and licensed chiropractors as covered Medicaid services.

EFFECTIVE DATE: Upon passage

§ 332 — MEDICAID PAYMENTS FOR METHADONE MAINTENANCE

Eliminates performance-based rate reductions for methadone maintenance providers

The act eliminates a provision under prior law requiring Medicaid payments for methadone maintenance to be contingent on providers meeting certain performance measures. Under prior law, failure to meet department-identified standards on performance measures resulted in 5% rate reductions for the second half of 2020 and 10% rate reductions beginning January 1, 2021.

EFFECTIVE DATE: July 1, 2021

§ 333 — MEDICAID RATE PARITY FOR CERTAIN PROVIDERS

Requires Medicaid rates for (1) nurse-midwives to equal obstetrician-gynecologist rates and (2) podiatrists to equal physician rates for performing the same services and procedures

The act requires the DSS commissioner to adjust Medicaid reimbursement rates so that (1) licensed nurse-midwives receive the same rates as licensed obstetrician-gynecologists for performing the same services or procedures and (2) licensed podiatrists receive the same rates as licensed physicians for performing the same services or procedures. The commissioner must seek federal approval to amend the Medicaid state plan, if needed, to adjust the reimbursement rates for nurse-midwives and podiatrists.

EFFECTIVE DATE: Upon passage

§ 334 — THIRD PARTY LIABILITY FOR MEDICAL ASSISTANCE PAYMENTS

Establishes deadlines for insurers and other legally liable third parties to (1) act on claims DSS submits for covered health care items and services and (2) request refunds from DSS when they determine they are not liable for a claim for which they reimbursed DSS

Existing law authorizes DSS to recover claims from an insurer or other legally liable third party when the state pays for a health care service for which the third party is legally responsible. The act requires these third parties to act on a claim submitted by DSS for payment for health care items or services covered by a state medical assistance program within the later of 90 days after receiving the claim or September 29, 2021. Within this timeframe, they must (1) make a payment on the claim, (2) request necessary information to determine their legal obligation to pay it, or (3) issue a written reason for denying it. If the entity fails to act on a claim within the later of 120 days of receiving it or October 29, 2021, the failure creates an uncontestable obligation to pay the claim. The act applies these provisions to all DSS claims, including those submitted before July 1, 2021.

The act also establishes a deadline for insurers and other legally liable third parties to request a refund from DSS if they determine they are not liable for the cost of a health care item or service for which they have reimbursed the department. It requires these entities to request refunds from DSS within 12 months after the reimbursement date.

EFFECTIVE DATE: July 1, 2021

§ 335 — POSTPARTUM CARE EXTENDED TO 12 MONTHS

Extends Medicaid coverage for postpartum care for 12 months after birth to a woman otherwise eligible for Medicaid, to the extent permissible under federal law

The act requires the DSS commissioner, beginning April 1, 2022, to extend Medicaid coverage for postpartum care for 12 months after birth to a woman

otherwise eligible for Medicaid, to the extent permissible under federal law. Under current practice, DSS provides postpartum coverage to these Medicaid beneficiaries for 60 days post-birth.

The act requires the commissioner to (1) amend the Medicaid state plan in accordance with the American Rescue Plan Act of 2021 (P.L. 117-2) to ensure federal reimbursement for extending postpartum care, (2) extend Medicaid coverage for this care following federal approval, and (3) take any other action necessary under federal law to maintain federal reimbursement for this coverage.

EFFECTIVE DATE: Upon passage

§ 336 — POSTPARTUM CHILDREN’S HEALTH INSURANCE PROGRAM (CHIP) COVERAGE

Extends CHIP coverage for postpartum care for 12 months after birth for HUSKY B beneficiaries, beginning April 1, 2022, to the extent permissible under federal law

Beginning April 1, 2022, the act requires the DSS commissioner to (1) extend CHIP coverage (in Connecticut, HUSKY B) for postpartum care for 12 months after birth for HUSKY B beneficiaries and (2) amend the CHIP state plan in accordance with the American Rescue Plan of 2021 (P.L. 117-2) to provide federal reimbursement for such coverage. The act requires her to (1) extend coverage following federal approval and (2) take any other necessary action under federal law to maintain federal reimbursement for this coverage.

The state provides CHIP coverage under HUSKY B, which covers children in families with household incomes between 196% and 318% of the federal poverty level.

EFFECTIVE DATE: Upon passage

§ 337 — NONPROFIT LOAN FORGIVENESS PROTECTIONS

Prohibits state agencies from reducing future contract amounts with, or demanding reimbursement from, nonprofit human services providers that receive funds through certain federal loan forgiveness programs

The act prohibits state agencies that contract with nonprofit human services providers from trying to recover or offset funds that the providers obtained or kept through certain federal loan forgiveness programs (i.e., as part of a paycheck protection program loan provided by the CARES Act or the Paycheck Program Flexibility Act of 2020). Specifically, it prohibits an agency from (1) reducing contracted amounts for the same or similar services in the next contract period or (2) demanding reimbursement of state funds.

EFFECTIVE DATE: Upon passage

§ 338 — HOME & COMMUNITY-BASED RATE INCREASES

Allocates \$5 million for FYs 22 and 23 to increase the reimbursement rate for certain Medicaid-funded home and community-based programs and services and the state-funded Connecticut Home Care Program for the Elderly

OLR PUBLIC ACT SUMMARY

The act allocates \$4.625 million appropriated to DSS from the General Fund in FYs 22 and 23 to fund an increase in the Medicaid reimbursement rate for certain Medicaid-funded home and community-based waiver program services and home health care. The rate increase applies to the following programs: (1) pediatric skilled nursing services in home health programs, (2) the Money Follows the Person program, (3) autism home and community-based waiver services, (4) mental health home and community-based waiver services, (5) personal care assistant services in home and community-based waiver programs, (6) acquired brain injury waiver services, and (7) Connecticut home care program waiver services.

The act also allocates \$375,000 appropriated to DSS from the General Fund in FYs 22 and 23 to increase the reimbursement rate for the state-funded portion of the Connecticut Home Care Program for the Elderly.

EFFECTIVE DATE: July 1, 2021

§ 339 — NONPROFIT SAVINGS INCENTIVE PROGRAM

Expands and makes permanent an incentive program for nonprofit human services providers that realize savings in the state-contracted services they deliver

The act requires the OPM secretary to expand and make permanent an incentive program for nonprofit human services providers that realize savings in the state-contracted services they deliver (prior practice required them to return any savings). Prior law required the secretary to establish a pilot program for the same purpose that was limited to eight providers, but it was not implemented.

Under the act, the incentive program must (1) allow providers to keep any savings they realize from the contracted services cost if they meet their contractual requirements and (2) prohibit future reductions in contracted amounts for the same types of services due to savings achieved in previous contracts by the providers. As under prior law, the expanded program applies to any contracted nonprofit human services providers for persons with intellectual, physical, or mental disabilities or autism spectrum disorder.

The act requires providers who keep savings under the program to submit a report to the OPM secretary on the excess funds' reinvestment to strengthen quality, invest in deferred maintenance, and make asset improvements.

EFFECTIVE DATE: July 1, 2021

§ 340 — AMBULANCE RATES

Increases Medicaid reimbursement rates by 10% for ambulance services and by \$3 for ambulance transports

Beginning FY 22, the act requires the DSS commissioner to increase the Medicaid reimbursement rates for emergency and nonemergency ambulance services by 10%, except that she must increase the ambulance transport mileage rate by \$3.

EFFECTIVE DATE: Upon passage

§ 341 — STATE-CONTRACTED PROVIDERS FOR INTELLECTUAL DISABILITY SERVICES

Requires OPM to allocate funds to increase DDS-contracted service providers' wages and benefits for FYs 22 and 23

The act requires the OPM secretary to allocate available funds for FYs 22 and 23 to increase rates to state-contracted providers for wage enhancements and related payroll taxes, workers compensation, and unemployment insurance expenses for employees providing services to individuals with intellectual disability who receive supports and services through DDS.

Under the act, providers that receive a rate adjustment for wage enhancements but do not increase employee salaries by July 31, 2021, and July 31, 2022, may be subject to a rate decrease equal to the adjustment by the DDS commissioner.

In addition, the commissioner must, within available resources and at his discretion, make funds available to support enhanced benefits. But the act specifies that it does not require him to distribute funding in a way that jeopardizes anticipated federal reimbursement.

EFFECTIVE DATE: July 1, 2021

§ 342 — CHRONIC DISEASE HOSPITAL PER DIEM RATE INCREASE

Requires DSS, within available appropriations, to increase the per diem rate for chronic disease hospitals by 4%

The act requires the DSS commissioner, within available appropriations, to increase the per diem rate for chronic disease hospitals by 4%.

EFFECTIVE DATE: July 1, 2021

§ 343 — NATCHAUG HOSPITAL INPATIENT MEDICAID PER DIEM

For FY 22, requires the inpatient per diem Medicaid reimbursement rate for Natchaug Hospital to be at least \$975

The act requires the DSS commissioner to provide an inpatient Medicaid reimbursement rate of at least \$975 per day to Natchaug Hospital for FY 22, regardless of existing law's hospital rate setting provisions. Federal law generally requires state Medicaid provider payments to be (1) consistent with efficiency, economy, and quality of care and (2) sufficient to enlist enough providers so that care and services are available under Medicaid to at least the same extent that they are available to the general population (42 U.S.C. § 1396a(a)(30)(A)).

EFFECTIVE DATE: Upon passage

§ 344 — UNBORN CHILD OPTION FOR PRENATAL CARE UNDER HUSKY B

OLR PUBLIC ACT SUMMARY

Amends PA 21-176 to limit eligibility for prenatal care to households with incomes at or below 258% of FPL

Among other things, PA 21-176 requires the DSS commissioner to amend the Children's Health Insurance Program (CHIP) state plan to provide medical assistance for prenatal care through the "unborn child option." This is a state option that allows states to consider an unborn child a low-income child eligible for prenatal care coverage if other CHIP eligibility requirements are met. According to the federal Centers for Medicare and Medicaid Services, the requirement to meet other CHIP eligibility criteria applies to the child and not the mother.

Under PA 21-176, this coverage is available to families with household incomes between 196% and 318% of the federal poverty level (FPL) (i.e., the same income eligibility as CHIP coverage generally). The act instead limits eligibility to families with household incomes at or below 258% of FPL (i.e., the same income eligibility level for pregnant women under the state's Medicaid program).

EFFECTIVE DATE: October 1, 2021

§§ 346 & 347 — MINIMUM BUDGET REQUIREMENT (MBR)

Renews the MBR with all the previous reductions, exemptions, and exclusions and adds additional exemptions for federal funds related to COVID-19 and for state school security grants; makes the MBR law permanent by removing the sunset date; renews and makes permanent the method to determine whether a town's education aid has decreased or increased compared to the prior year when calculating MBR

The act makes permanent the prohibition in prior law against a town budgeting less for education than it did in the previous fiscal year (i.e., the MBR). Under prior law, all MBR provisions expired on June 30, 2021.

The act (1) continues to exempt certain towns with high-performing school districts from the MBR; (2) renews several MBR options in prior law that allowed a town to reduce its MBR in some circumstances; and (3) adds additional MBR exemptions for federal COVID-related funds and for state school security grants for all school districts, including alliance districts. (Generally, state law bars towns with alliance districts from making MBR reductions.) It also makes permanent the method for determining whether a town's state education aid has decreased or increased compared to the prior FY when calculating MBR.

The act also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2021

MBR Exemptions (§ 346)

The act makes permanent MBR exemptions for towns that meet any of the following criteria: (1) have a school district ranked among the top 10% of districts as measured by the State Department of Education's (SDE) accountability index scores (see *Background*) or (2) are member towns of a newly formed regional

school district during the first full fiscal year following its establishment.

New or Modified MBR Exclusions (§ 346)

By law for FYs 20 and 21, school districts were able to exclude from their MBR calculation for the next fiscal year local supplemental appropriations or federal funds they received to cover costs associated with COVID-19. The law explicitly allowed alliance districts to exclude these expenditures from their calculation for these fiscal years, as well.

Local supplemental appropriations include those from the town's (1) board of finance, (2) board of selectmen for a town having no board of finance, or (3) authority making appropriations for the school district. Districts must use these local supplemental appropriations for COVID-19 expenditures that the school district's budgeted education appropriation for that fiscal year could not cover. This also applies to federal funds received by a district under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

The act extends this MBR exclusion to FYs 22, 23, and 24 and, in addition to the CARES Act, specifically allows districts to exclude from their MBR calculation federal funds received under the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act (P.L. 116-260) and the American Rescue Plan Act of 2021 (P.L. 117-2).

The act also adds a new MBR exclusion beginning in FY 22 for any school security infrastructure competitive grant received in the prior year. Under the act, this grant does not have to be included in the school district's MBR calculation for the following fiscal year. Alliance districts are eligible for this exclusion.

Permitted MBR Reductions Renewed (§ 346)

The act makes permanent the prior allowances for MBR reductions under the circumstances described below.

Reductions in Enrollment. A school district may reduce its MBR if it has reduced student enrollment during any of the five years immediately prior to the fiscal year for which the MBR is being calculated. However, it cannot count the enrollment reductions from any year that it previously used for an MBR reduction. The act also prohibits them from counting enrollment reductions from FY 21.

The district can reduce its MBR by 50% of the net current expenditure per resident student, multiplied by the net reduction in the number of enrolled students. By law, resident students are the number of enrolled students a public school district must educate at the town's expense (CGS § 10-262f(22)).

No High School. A town without a high school that pays tuition to other towns for its resident students to attend high school and is paying for fewer students than it did in the previous year can reduce its MBR by the full amount of its lowered tuition payments. To determine a decrease in the number of students, the act requires a town to determine if the number of resident students attending high school for the district for October 1 of the prior school year, using the data of

record as of January 31 of that year, is lower than the district's number of resident students attending for October 1 of the school year before the prior school year 2019-20, using the data of record as of January 31 of the school year before the prior school year 2019-20.

Additionally, for FY 22 the act calculates the number of resident students attending high school for a district with no high school for the prior school year as the number of resident students attending high school for that district on October 1, 2019, using the data of record as of January 31, 2020. This essentially freezes the student count for one year.

School Closures. A town may reduce its MBR in an amount the education commissioner determines if it has permanently closed a school due to declining enrollment at the school in the seven FYs immediately prior to the FY for which the MBR is calculated.

Cost Savings. A town can reduce its MBR to reflect half of any new and documented savings from (1) increased efficiencies within its school district, as long as the education commissioner approves the savings, or (2) a regional collaboration or cooperative arrangement with at least one other district. This reduction is limited to a maximum of 0.5% of the district's budgeted appropriation for the prior year.

Catastrophic Events. When a self-insured school district experiences a loss due to one or more catastrophic events during the prior year and must increase the education budget as a result, the increase due to the loss may be excluded when calculating the following year's MBR. The catastrophic event must be declared as such by a nationally recognized catastrophe loss index provider.

ECS Reduction. A town that has a reduction in Education Cost Sharing (ECS) aid (see § 347 below) when compared to the previous year can reduce its MBR by the amount of the reduction.

Revising Local Education Budgets (§ 346)

The act supersedes any provision of a special act, municipal charter, local ordinance, home rule ordinance, or other ordinance that prohibits or otherwise limits a town from appropriating additional funds to its FY 22 education budget after the budget is adopted. Specifically, it allows the town to appropriate additional funds to its education budget to satisfy the MBR requirements if the town's ECS grant is greater than what the town anticipated when it originally adopted its FY 22 education budget.

Determining Aid Gains or Losses (§ 347)

Prior law contained a formula for determining whether towns have an ECS aid increase or decrease compared to the prior fiscal year. This formula helped determine towns' MBR in FYs 20 and 21. The act makes this formula permanent for all following fiscal years. As with prior law, the act requires districts to compare the ECS aid a town is entitled to with the amount the town received the previous year. If the entitled amount is greater than the previous year's amount,

the difference between the two is the aid increase. Likewise, if the amount the town is entitled to is less than the amount the town received in the previous year, then the difference is the aid decrease.

Background — Accountability Index Score

The accountability index score for a school district or an individual school results from multiple weighted measures that (1) include the state mastery test scores and, if appropriate, high school graduation rates and (2) may include academic growth over time, attendance and chronic absenteeism, postsecondary education and career readiness, enrollment in and graduation from institutions of higher education and postsecondary education programs, civics and arts education, and physical fitness (CGS § 10-223e(a)).

§§ 348–350 — EDUCATION COST SHARING GRANT REVISIONS

Suspends for two years scheduled decreases in ECS grants for certain towns; extends the phase-in period for grant decreases until FY 29; changes several ECS formula components, including the weighting for need students; expands the regional per-student bonus to include endowed academies that function as public high schools

The act (1) suspends scheduled decreases in Education Cost Sharing (ECS) grants for two years until FY 23 for towns that are overfunded under the formula; (2) maintains scheduled increases in ECS aid for underfunded towns; and (3) extends the scheduled phase-in for decreases by two years until FY 29.

The act also changes several factors in the formula used to determine each town's ECS grant. Specifically, it (1) increases the weights for low-income and English language learner students and (2) allows towns sending students to one of the three endowed academies that serve as public high schools (i.e., Norwich Free Academy, Woodstock Academy, and the Gilbert School in Winchester) to receive the per-student bonus for regional school districts.

EFFECTIVE DATE: July 1, 2021

Scheduled Grant Increases and Decreases (§ 348)

By law, the base grant amount, which is used to determine whether a town will get an ECS increase or decrease, is the ECS grant amount a town was entitled to for FY 17, minus authorized cuts implemented during FY 17.

Increases and Decreases Under Prior Law. Prior law entitled a town to receive an ECS grant in FYs 20 through 27 in an amount determined by comparing its base grant amount to its fully funded grant with an exception for alliance districts. The fully funded grant is the amount a town would receive under the formula if there were no phase-ins.

Specifically, under prior law, if a town's fully funded ECS grant was less than the base grant amount, then the town was entitled to the prior year's amount, minus 8.33% of the difference; however, if the town is an alliance district, it was entitled to the base grant amount with no reduction. If a town's fully funded ECS

grant was greater than the base grant amount, then the town was entitled to the prior year's amount, plus 10.66% of the difference between fully funded and the base grant.

For FY 28 and all years following, prior law required that towns receive their fully funded amount, except alliance districts continued to receive their base grant amount if that was higher than the fully funded grant.

Held Harmless and Grant Reduction Towns Under the Act. For FYs 22 and 23, the act requires that if a town's fully funded ECS grant is less than the base grant amount, then the town will receive the same amount it received for FY 21 (i.e., "held harmless"). The act resumes annual 8.33% reductions in aid for FYs 24-29 for the towns where the fully funded grant amount is less than the town's base grant amount. As under existing law, the act exempts alliance district towns from these reductions if their fully funded grant amount is less than the town's base grant amount.

Grant Increase Towns Under the Act. For FYs 22 through 27, the act maintains the scheduled increases for underfunded towns. It requires that if a town's fully funded ECS grant is greater than its base grant amount, then the town must receive a grant equal to the prior year's amount plus 10.66% of the difference. In FYs 28 and 29, the act requires any town with a fully funded grant amount greater than its base to receive the fully funded grant amount.

Funding for FY 30 and Subsequent Years Under the Act. Under the act for FY 30 and each year after that, towns are entitled to an ECS grant equal to their fully-funded amount. However, alliance district towns whose fully-funded amount is less than the base grant are still entitled to their base grant amount.

Formula Factor Changes (§§ 349 & 350)

Three key ECS formula factors determine grant amounts. By law, these factors are the:

1. foundation dollar amount (\$11,525);
2. student count with weighting for high need students, referred to as "total need students;" and
3. base aid ratio, a measure of town wealth.

To produce the fully-funded grant amount under the formula, the foundation is multiplied by the number of need students, and the result is multiplied by the base aid ratio. The act modifies the total need student count but leaves the foundation dollar amount and the base aid ratio unchanged.

Total Need Student Count. Under prior law, the need student count included the following weightings:

1. student poverty weighting, which added 30% of students eligible for free or reduced priced meals or free milk (FRPM) plus an additional 5% of any FRPM-eligible students above the number of FRPM-eligible students that is equal to 75% of the total number of resident students, and
2. language weighting, which added 15% of the number of students who are English language learners (ELL) as identified by the school district.

The act keeps the main poverty weighting at 30% of students eligible for

FRPM. However, it increases the additional poverty weighting from 5% to 15% of FRPM-eligible students above the number of FRPM-eligible children that is equal to 60% (instead of 75%) of the total number of resident students for the school year. The act also increases the ELL weighting from 15% to 25%.

Regional Bonus. The act modifies the law providing a per-student regional bonus for any town that is part of a regional district and has students attending the regional school district.

Under the act, the state must also provide an additional per-student grant to any town that pays tuition for its students to attend a State Board of Education (SBE)-approved incorporated or endowed high school or academy. There are three of these institutions: Norwich Free Academy, Woodstock Academy, and the Gilbert School in Winchester.

For endowed academies, the bonus is \$100 for each enrolled student on October 1 for the school year prior to the fiscal year in which the grant will be paid, multiplied by the number of grades for which students attend the district or academy. For example, this means that 10 students attending an endowed academy high school in four grades would generate a regional bonus of \$4,000.

The act also changes the bonus for regional school districts to match the amount the act gives to endowed academies. Under prior law, the regional bonus was \$100 per student multiplied by the ratio of the number of grades (kindergarten to grade 12, inclusive) in the regional school district, to 13.

§ 351 — FEDERAL FUNDS FOR OTHERWISE UNENTITLED SCHOOLS

Requires SDE to distribute federal funds to certain otherwise unentitled schools, only to the extent federal law allows

Beginning in FY 22, the act requires the State Department of Education (SDE) to distribute, to the extent federal law allows, federal funding provided from the Elementary and Secondary School Emergency Relief (ESSER) Fund in response to the COVID-19 pandemic that would otherwise be unavailable to the following schools: (1) any school ineligible for federal Title I funding and (2) any State Board of Education-approved incorporated or endowed high school or academy (i.e., The Gilbert School, Norwich Free Academy, and Woodstock Academy).

The act specifies that the above provisions do not require SDE to distribute any state or federal funding in a way that conflicts with federal law, including U.S. Department of Education guidance, rules, or regulations about the ESSER Fund.

EFFECTIVE DATE: July 1, 2021

§ 352 — STATE CHARTER SCHOOL FUNDING FORMULA

Replaces the uniform state charter school operating grant in prior law with a weighted grant formula based on student need

The act replaces the uniform per-student operating grant for state charter schools in prior law with a weighted per-student grant formula based on student

need. The weighted grant is based on the existing Education Cost Sharing (ECS) grant foundation and student counts and needs.

Under prior law, a state charter school's fiscal authority received a uniform operating grant of \$11,250 per student each fiscal year. Under the act, these fiscal authorities receive a per-student grant determined by the new weighted formula that is phased in as follows:

1. for FY 22, the ECS foundation grant (i.e., \$11,525) plus 4.1% of its charter grant adjustment and
2. for FY 23, the ECS foundation grant plus 14.76% of its charter grant adjustment.

Formula Components Defined

Charter Grant Adjustment. The act defines "charter grant adjustment" as the absolute value of the difference between the (1) foundation and (2) charter full weighted funding per student for the state charter schools under the governing authority's control for the school year.

Charter Full Weighted Funding Per Student. Under the act, the "charter full weighted funding per student" is a value calculated as (1) the product of the total charter need students and the foundation, divided by (2) the number of enrolled students under the governing authority's control for the school year.

Total Charter Need Students. Under the act, the number of "total charter need students" in the state charter school funding formula is a value calculated as the sum of the following:

1. enrolled students at the state charter schools controlled by the governing authority for the school year, plus
2. beginning in the 2021-22 school year, the following:
 - a. 30% of enrolled students eligible for free or reduced-price meals or free milk, plus;
 - b. for schools where the number of enrolled students eligible for free or reduced-price meals or free milk exceeds 60% of the student population, 15% of that excess, plus;
 - c. 25% of enrolled students who are English language learners.

Grant Payment Schedule

Under the act, FY 22 and 23 payments under the new grant formula described above must be paid on the same schedule as under prior law: (1) 25% of the grant amount by July 15 and September 1, based on May 1 estimated student enrollment; and (2) 25% of the amount by January 1 and the remaining 25% by April 1, both based on student enrollment on October 1.

EFFECTIVE DATE: July 1, 2021

§ 353 — MATERIAL CHANGES TO CHARTER SCHOOL OPERATIONS

OLR PUBLIC ACT SUMMARY

Requires SDE to review and recommend approval of charter school material change requests; creates new submission and review procedures for material change requests seeking to increase charter school enrollment capacity by a certain percentage

By law, a state or local charter school's governing council must submit a written request to the State Board of Education (SBE) to amend its charter if it plans to make a material change in its operations. The law generally defines "material change" to mean one that fundamentally alters a school's mission, organizational structure, or educational program.

The act requires the State Department of Education (SDE), rather than SBE, to review a charter school's request and solicit and review comments on it from the board of education in the town where the school is located. Prior law required SBE to vote on the request after this review process, but under the act, SBE cannot vote on the request until it receives the department's recommendation to approve it. As under prior law, the vote must occur within 60 days after receipt of the request or as part of the school's charter renewal process.

Additionally, if a charter school's material change request is to increase its student enrollment capacity by 20% or more, then the act requires the school to submit the request to SDE by April 1 of the fiscal year that is two years before the fiscal year when the change would take effect. Under the act, the department must consider the following when determining whether to recommend that SBE approve the enrollment increase: (1) the financial feasibility of the enrollment increase; (2) the charter school's performance, stewardship, governance and management, student population, and legal compliance; and (3) any other factors the department finds relevant.

EFFECTIVE DATE: July 1, 2021

§§ 354-356 — RESIDENCY-BASED MAGNET SCHOOL GRANT CONDITIONS

Reauthorizes prohibition on SDE awarding magnet school operating grants to schools that fail to meet certain residency-based enrollment standards, but also allows the commissioner to waive certain standards

Conditions Applicable to All Interdistrict Magnet School Operators (§§ 354-355)

The act extends, through the 2023-24 school year, the requirement that (1) magnet schools comply with specific enrollment standards in existing law and (2) the education commissioner only award operating grants to compliant schools. Specifically, the commissioner may only award a grant to schools that (1) have no more than 75% of enrolled students from one school district and (2) maintain a total school enrollment that meets the reduced-isolation setting standards developed by the commissioner. However, the act allows the commissioner to award a grant for an additional year or years to a noncompliant school if she finds it appropriate and also approves a plan to bring the school into compliance with the residency standards, in addition to reduced-isolation setting standards as existing law requires. (Reduced-isolation standards consider the racial

composition of the student body and are one factor used to determine state operating grant eligibility.)

Conditions Applicable to Select Magnet School Operators (§ 356)

By law, certain magnet school operators, if they enroll less than half of their incoming students from Hartford, receive a per-pupil operating grant in the following amounts:

1. \$8,058 for half of the total number of non-Hartford students enrolled over 50% of the total school enrollment and
2. \$10,652 for the remainder of the students.

The act allows the education commissioner to waive the 50% non-Hartford student enrollment threshold for good cause upon written request.

These enrollment thresholds and waiver provisions apply to the following magnet school operators:

1. regional education service centers
2. the community colleges and Connecticut State Universities' board of trustees on behalf of the institutions,
3. the UConn Board of Trustees on behalf of the university,
4. an independent college's or university's governing board or its equivalent,
5. a cooperative arrangement,
6. any other third-party, non-profit corporation approved by the commissioner, and
7. the Hartford school district, specifically for the operation of Great Path Academy on behalf of Manchester Community College.

EFFECTIVE DATE: July 1, 2021

§ 357 — MAGNET SCHOOL OPERATING GRANTS

Removes requirement that SDE prorate per-pupil magnet school operating grants to reflect available appropriations

By law, SDE must award per-pupil operating grants to interdistrict magnet school operators each fiscal year within available appropriations. Prior law required these per-pupil grant amounts to be prorated to reflect available appropriations. The act removes this requirement.

Under existing law and unchanged by the act, the grant amounts for each school vary because they are based upon several factors, including (1) the number of enrolled students who live in the magnet school's host town and the number who are non-residents, (2) whether the magnet school is operated by a board of education or a regional education service center, and (3) whether the magnet school furthers the goals of the *Sheff v. O'Neill* settlement (i.e., is a *Sheff* magnet school). By law and unchanged by the act, the total per-pupil operating grant paid by the state to an interdistrict magnet school operator cannot exceed the aggregate total of the school's reasonable operating budget, minus revenue from other sources.

EFFECTIVE DATE: July 1, 2021

§ 358 — SUPPLEMENTAL TRANSPORTATION GRANT FOR MAGNET SCHOOLS

Changes the payment schedule and number of payments for a supplemental transportation grant for Sheff magnet schools

The act changes the payment schedule and frequency for supplemental transportation grants to magnet schools that help the state meet its obligations under the *Sheff v. O’Neill* desegregation court decision.

Under prior law’s payment schedule, (1) up to 70% of the grant could be paid on or before June 30 in the current fiscal year and (2) the remainder had to be paid by September 1 of the following fiscal year after a comprehensive financial review.

Starting with FY 21, and for each fiscal year thereafter, the act presumably requires that these grants be paid as follows:

1. any unpaid balance of documented, eligible transportation costs (including vendor bills) incurred on or before December 31 must be paid on or before February 1;
2. any unpaid balance of documented, eligible transportation costs incurred on or before March 31 must be paid on or before May 1; and
3. the balance of the grant must be paid on or before September 1 of the following fiscal year after a comprehensive financial review.

EFFECTIVE DATE: July 1, 2021

§ 359 — PRIORITY SCHOOL DISTRICT GRANTS

Allocates \$5 million in both FY 22 & 23 for PSDs

The act allocates \$5 million to SDE in each year of the biennial budget, FY 22 and 23, for grants to towns with school districts identified as priority school districts (PSDs). PSDs have students with low standardized test scores and high levels of poverty; there are 15 of these districts.

Under the act, the grants must be distributed proportionately according to each town’s total need students as defined in Education Cost Sharing formula law (which considers factors such as the number of students eligible for free and reduced priced meals). PSDs must spend the grants for certain purposes specified in statute (e.g., dropout prevention, alternative and transitional programs, and elementary and middle school accreditation).

EFFECTIVE DATE: July 1, 2021

§ 360 — YOUTH SERVICE BUREAU GRANTS

Makes FY 21 YSB applicants eligible for a state grant

By law, the education commissioner must establish a youth service bureau (YSB) grant program that, within available appropriations, awards \$14,000 grants

to eligible bureaus that applied for grants during specific fiscal years, with prior approval of their town's contribution. Towns must contribute an amount equal to the state grant amount.

The act allows YSBs that applied for a grant during FY 21 to be eligible for such a grant through the program. Prior law limited eligibility to applicants who applied for the grant during specified periods, most recently FY 19.

By law, YSBs coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths referred to them by schools, police, and juvenile courts, among others.

EFFECTIVE DATE: July 1, 2021

§ 361 — TECHNICAL EDUCATION AND CAREER SYSTEM WORLD LANGUAGE REQUIREMENT

Requires the TECS board or superintendent to waive the world language high school graduation requirement for the class of 2023 and 2024

The act requires either the Technical Education and Career System's (TECS) board or superintendent to allow any student in the class of 2023 or 2024 to graduate without fulfilling the one-credit world language high school graduation requirement in state law.

EFFECTIVE DATE: Upon passage

§ 362 — MANUFACTURING PROGRAM TUITION AND FEE WAIVER

Requires BOR to waive tuition and fees for Ansonia High School students who participate in certain manufacturing programs

Since FY 20, state law has required the Board of Regents for Higher Education (BOR) to waive tuition and fees for Ansonia High School students to attend College Connections at Derby High School. The act requires BOR to also waive tuition and fees for Ansonia High School students who participate in a manufacturing program offered in Ansonia or Derby that is not part of the College Connections program at Derby High School. The amount of this waiver each fiscal year equals the appropriation for this purpose, as it does for the College Connections waiver.

The College Connections program enables high school students to take community college courses in advanced manufacturing and receive both high school and college credit.

EFFECTIVE DATE: July 1, 2021

§ 363 — REGIONAL BOARD OF EDUCATION RESERVE FUNDS

Increases the amount a regional board of education may deposit in a capital and nonrecurring expenditures reserve fund

The act increases the maximum amount that a regional board of education can deposit in a capital and nonrecurring expenditures reserve fund from 1% to 2% of the school district's annual fiscal year budget. As under existing law, this percentage is comprised of the aggregate amount of annual and supplemental district appropriations.

Existing law, unchanged by the act, allows a regional board of education to create this fund by a majority vote of its members. With the board's approval, the district may use this fund to partially or completely fund the planning, construction, reconstruction, or acquisition of a specific capital improvement project or the acquisition of specific equipment.

EFFECTIVE DATE: July 1, 2021

§ 364 — CT GROWN FOR CT KIDS GRANT

Requires DoAg to administer a new CT Grown for CT Kids Grant Program to help boards of education develop farm-to-school programs; requires DoAg to convene an advisory committee to help the agency in awarding grants; requires DoAg to submit a legislative report evaluating the program, including how the money was spent

The act requires the Department of Agriculture (DoAg), in consultation with an advisory committee the act also creates, to administer the new CT Grown for CT Kids Grant Program. The program must assist local and regional boards of education in developing farm-to-school programs that will:

1. increase the availability of local foods in child nutrition programs,
2. allow educators to use hands-on techniques to teach students about nutrition and farm-to-school connections,
3. sustain relationships with local farmers and producers,
4. enrich students' educational experience,
5. improve Connecticut children's health, and
6. enhance the state's economy.

Eligible Applicants

The act allows a local or regional board of education, regional educational service center, cooperative education arrangement, child care center, group child care home, family child care home, or any organization or entity administering or assisting in the development of a farm-to-school program to apply for a grant. The agriculture commissioner must prescribe the grant application form and process.

The grant must be used for a farm-to-school program's development or implementation, which may include:

1. purchasing equipment, resources, or materials, such as local food products, gardening supplies, field trips to farms, gleaning on farms (i.e., collecting leftover crops after the commercial harvest is completed), and giving stipends to visiting farmers;
2. providing professional development and skills training for educators, school nutrition professionals, parents, caregivers, child care providers, and employees and volunteers of organizations administering or helping

- develop and implement farm-to-school programs; and
- 3. piloting new purchasing systems and programs.

Advisory Committee

The act requires DoAg to convene an advisory committee to help administer the program, which consists of the education commissioner, or his designee, and representatives of stakeholder groups the agriculture commissioner selects who reflect the state's demographic and geographic diversity.

The advisory committee must (1) help the department review applications and award these grants and (2) provide technical assistance to grant recipients to develop and implement farm-to-school programs.

Grant Awarding Priority

The act requires the department to prioritize grants to applicants (1) located in alliance districts or who are providers of school readiness programs and (2) who demonstrate broad commitment from school administrators, school nutrition professionals, educators, and community stakeholders.

Grant Limits

The act prohibits DoAg from awarding a grant that is more than 10% of the total grant amount available for the fiscal year.

Donations and Gifts

Under the act, DoAg may accept gifts, grants, and donations, including in-kind donations, to administer the program and implement the act's provisions.

Reporting Requirement

Starting by January 1, 2023, DoAg must annually submit a report on the program to the Education Committee. The report must include (1) an accounting of the funds appropriated and received by the department, (2) descriptions of each grant awarded and how the recipient used the grant, and (3) an evaluation of the program and the success of local farm-to-school programs that received grants through the program.

EFFECTIVE DATE: July 1, 2021

§ 365 — OPEN CHOICE PROGRAM EXPANSION

Expands the Open Choice Program for the 2022-23 school year under a pilot program for up to 50 students each from Danbury and Norwalk

The act expands the Open Choice Program for up to 50 students from Danbury and 50 from Norwalk in the 2022-23 school year.

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Open Choice is a voluntary inter-district public school attendance program that allows students from urban districts to attend suburban schools, and vice versa, on a space-available basis. Its purpose is to reduce racial, ethnic, and economic isolation; improve academic achievement; and provide public school choice. SDE provides a per-student grant for school districts that receive Open Choice students.

Danbury and Norwalk Student Participation

Under the act, Danbury students may attend school in the New Fairfield, Brookfield, Bethel, Ridgefield, and Redding school districts and Norwalk students may attend school in the Darien, New Canaan, Wilton, Weston, and Westport school districts. School districts that receive students from Danbury or Norwalk under this pilot program must allow these students to attend until they graduate from high school.

For FY 23, the act requires SDE to provide a \$4,000 per-student grant to each district receiving Danbury or Norwalk students. For FY 24 and each subsequent year, SDE must provide receiving districts with per-student grants based on existing law's Open Choice per-student grant schedule, which ranges from \$3,000 to \$8,000 per student.

Under the program's existing grant schedule, districts receive a larger grant if the number of Open Choice students reflects a greater percentage of the district's student population. For example, a district receives \$3,000 per student if Open Choice students are less than 2% of the district's total student population. The grant amount increases incrementally until, at the highest amount, a district receives \$8,000 per student if Open Choice students are at least 4% of the district's student population.

The act also reimposes a cap on the program's transportation aid component that expired in 2017. For FY 22 and each fiscal year thereafter, SDE must provide per-student transportation grants, within available appropriations, provided the average of the grants does not exceed \$3,250 per student transported. But the act also allows the commissioner to provide additional sums from any remaining funds in the appropriation if needed to offset transportation costs that exceed the cap amount.

Reporting Requirement

The act requires SDE, by January 1, 2025, to submit a report on the Danbury and Norwalk pilot program to the Education and Appropriations committees. The report must include the number of students in the pilot and, from each participating town, the total amount of the grant paid under the pilot and the grant paid to each participating town.

EFFECTIVE DATE: July 1, 2021

§§ 365 & 408-417 — SHEFF V. O'NEILL TECHNICAL CHANGES

OLR PUBLIC ACT SUMMARY

Makes a number of technical changes to conform the education statutes with Sheff v. O'Neill settlement agreements

The act makes a number of technical changes to conform education statute terminology with the state's *Sheff v. O'Neill* settlement obligations.

Sheff is the landmark school desegregation case in which the state Supreme Court ruled that Hartford school children were not being given an equal educational opportunity due to racial and economic segregation (238 Conn. 1 (1996)).

EFFECTIVE DATE: Upon passage, except §§ 408 & 411 are effective on July 1, 2021.

§§ 366-372 — EDUCATION PROGRAM GRANT CAPS

Extends to FYs 22 and 23 the grant caps for seven programs; renews the bilingual education grant for FYs 22 and 23

The act renews the bilingual education grant for FYs 22 and 23. It also extends caps on this grant and six other education grants for local or regional boards of education to FYs 22 and 23. The caps, which were set to expire on June 30, 2021, require that the grants be proportionately reduced if the state budget appropriations do not fund the full amounts required by the respective statutory formulas. The caps apply to grants for the following programs:

1. bilingual education (CGS § 10-17g);
2. school districts' special education costs for public agency-placed students under an order of temporary custody (CGS § 10-76d(e));
3. school districts' excess special education costs (CGS § 10-76g);
4. excess regular education costs for state-placed children educated by private residential facilities (CGS § 10-253(b));
5. health grants for private nonprofit schools (CGS § 10-217a);
6. regional educational services centers (RESCs) (CGS § 10-66j); and
7. adult education programs (CGS § 10-71).

EFFECTIVE DATE: July 1, 2021

§ 373 — OFFICE OF FISCAL ANALYSIS MODELING OF THE EDUCATION FUNDING PROPOSAL

Requires OFA to conduct an independent modeling of the education funding proposal described in SB 948 of the 2021 regular legislative session, as reported out of the Education Committee

The act requires the Office of Fiscal Analysis (OFA) to conduct an independent modeling of the education funding proposal described in SB 948 of the 2021 regular legislative session, as favorably reported by the Education Committee on March 22, 2021. SB 948 proposes, among other education funding changes, a funding approach that merges into one grant program the per-student grants for magnet schools, charter schools, agricultural science and technology education centers ("vo-ag centers"), and the Open Choice program.

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The act requires the modeling to include an analysis of the proposal's estimated fiscal impact on local and regional boards of education, magnet school operators, state and local charter schools, and vo-ag centers, including the receipt of grants and receipt of tuition payments. It must also analyze the estimated net impact to each local and regional board of education for each of the following grant programs: (1) education cost sharing (ECS), (2) magnet schools, (3) state and local charter schools, (4) vo-ag centers, and (5) the interdistrict public school attendance program known as Open Choice.

Under the act, the modeling must also look at funding for the Technical Education and Career System (formerly known as the technical high school system), including the funding at a system-wide, school, and per-pupil level, and the effects of racial equity within the system based on the funding.

The act establishes the following deadlines:

1. By December 15, 2021, OFA must submit the modeling and a draft report to the education commissioner for review and comment.
2. By January 3, 2022, the commissioner, or the commissioner's designee, must submit to OFA his or her comments and recommendations, if any, concerning the draft report.
3. By January 15, 2022, OFA must submit a report on the modeling to the Education and Appropriations committees. The report must include the modeling and any comments and recommendations the commissioner submitted.

EFFECTIVE DATE: Upon passage

§§ 374 & 375 — MODEL CURRICULUM FOR GRADES K-8

Requires SDE, in collaboration with SERC, to develop a K-8 model curriculum that boards of education may use

The act requires the State Department of Education (SDE), in collaboration with the State Education Resource Center (SERC, see *Background*), to develop a model curriculum by January 1, 2023, that local and regional boards of education may use for grades kindergarten through eight (K-8). The act establishes several requirements for the model curriculum, including what subject matter must be incorporated, and it requires SDE to make the model available to those boards of education and on the department's website.

When developing the model curriculum, SDE and SERC must consult with people and organizations with subject matter expertise in creating the model. Additionally, they may (1) use existing and appropriate public or private materials, personnel, and other resources and (2) accept gifts, grants, and donations, including in-kind donations, designated for developing the model.

Lastly, by January 15, 2023, SDE, in consultation with SERC, must submit to the Education Committee a (1) description of the model curriculum that includes the scope, sequence, and course objective for, presumably, each course in the curriculum and (2) report on the courses' development and review.

General and Subject Matter Requirements

The act requires the model curriculum's content to be (1) rigorous, (2) age-appropriate, (3) aligned with State Board of Education (SBE)-approved curriculum guidelines, and (4) in accordance with the statewide subject matter content standards adopted by SBE.

The act also requires the model curriculum to be in accordance with and include and integrate the subject matter requirements in the program of instruction that state law establishes for public schools. The required subject matter is as follows:

1. the arts (which may include, among other things, dance, music, art, and theater);
2. career education;
3. consumer education;
4. health and safety (including nutrition, disease prevention and cancer awareness, and physical, mental, and emotional health);
5. language arts (including reading, writing, grammar, speaking, and spelling);
6. mathematics;
7. physical education;
8. science;
9. social studies (including citizenship, economics, geography, government, history, and Holocaust and genocide education and awareness);
10. African-American and Black studies;
11. Puerto Rican and Latino studies; and
12. computer programming instruction (CGS § 10-16b, as amended by PA 19-12, § 1).

Lastly, the act requires the model curriculum to also include and integrate at least the following:

1. Native American studies;
2. Asian American and Pacific Islander studies;
3. lesbian, gay, bisexual, transgender, queer, and other sexual orientations and gender identities studies;
4. climate change;
5. personal financial management and financial literacy;
6. the military service and experience of American veterans;
7. civics and leadership, including instruction in digital citizenship and media literacy to provide students with the knowledge and skills needed to safely, ethically, responsibly, and effectively use digital technologies to create and consume digital content; communicate with others; and participate in social and civic activities;
8. the principles of social-emotional learning; and
9. racism.

Background — SERC

SERC is a quasi-public agency that can, among other things, provide (1)

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professional development services; (2) technical assistance and evaluation activities; and (3) policy analysis and other assistance to local and regional boards of education, SDE, and other educational entities and providers (CGS §§ 10-357a to -357e).

EFFECTIVE DATE: July 1, 2021

§§ 376 & 377 — NATIVE AMERICAN STUDIES IN PUBLIC SCHOOLS

Adds Native American studies to the public school social studies curriculum beginning in the 2023-24 school year

The act adds Native American studies to public schools' required program of instruction as part of their social studies curriculum beginning in the 2023-24 school year. It requires the Native American studies curriculum to include a focus on the Northeastern Woodland Native American Tribes of Connecticut.

Under the act, local and regional boards of education may use the following to develop and implement the curriculum: (1) materials that the State Board of Education (SBE) makes available or (2) other existing and appropriate public or private materials, personnel, and resources. The curriculum must also be in accordance with SBE's statewide subject matter content standards. Boards of education may also accept gifts, grants, and donations, including in-kind donations, to develop and implement the curriculum.

EFFECTIVE DATE: July 1, 2023, for provisions adding Native American studies to the program of instruction and July 1, 2021, for provisions about the social studies curriculum and curriculum materials.

§§ 378 & 379 — MINORITY TEACHER CANDIDATE CERTIFICATION, RETENTION OR RESIDENCY YEAR PROGRAM

Creates the minority candidate certification, retention, or residency year program for teacher certification candidates; requires each alliance district to partner with a residency program operator to enroll minority candidates; requires SDE to (1) withhold from each alliance district 10% of any increase in alliance aid and (2) use the funds to cover program-related costs

The act creates the minority candidate certification, retention, or residency year program administered by the State Department of Education (SDE) and under the supervision of a regional educational service center (RESC) or a private, non-profit certification program (i.e., operators). It also requires each school district designated as an alliance district to partner with a residency program operator to enroll minority candidates and place them in the district for their 10-month residency. (Alliance districts are the 33 lowest performing school districts based on their accountability index scores – see *Background*).

Under the act a “minority” is someone whose race is defined as other than white, or whose ethnicity is defined as Hispanic or Latino as used by the U.S. Census Bureau, and a “minority candidate” is someone who is a minority and employed as a school paraprofessional or an associate instructor with a local or regional board of education.

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The act requires SDE to (1) withhold from each alliance district 10% of any increase in alliance aid and (2) use the funds for grant payments to cover program-related costs.

It also allows non-alliance districts to participate in the residency program and makes conforming changes.

State and Local Residency Program Responsibilities

For FY 22 and each following year, the act requires SDE to administer the minority candidate certification, retention, or residency year program to help (1) minority candidates enroll in a residency program to become full-time, certified teachers after successful program completion and (2) local and regional boards of education hire and retain these minority candidates.

Under the act, the “residency program” is a State Board of Education (SBE)-approved certification program in which participants serve in (1) a position that otherwise would require professional certification and (2) a full-time position for 10 school months at a board of education under the supervision of (a) a certified administrator or teacher and (b) a supervisor from the RESC or a private, nonprofit teacher or administrator operating the certification program. By law, SBE approves teacher preparation programs and alternate route to certification (ARC) programs (CGS § 10-145b(a)). Another law permits SDE to approve ARC programs with a one-year residency for school support staff, including school paraprofessionals, but the law is not specific to alliance districts or minority candidates (CGS § 10-145t(b)).

Beginning with FY 23 and in each following year, the act also requires each board of education for an alliance district to partner with a residency program operator to enroll and place minority candidates in the district as part of the program.

Reserving Funding for the Residency Program

By law, an alliance district must submit a plan to SDE for approval before SDE will release the district’s alliance funding (i.e., a portion of the annual Education Cost Sharing (ECS) funds that these districts receive). The plan must detail how it intends to use its alliance funding and how this will increase student achievement. The act adds the recruitment and retention of minority teachers in the alliance district as another allowable use of these funds.

Under the act, for FY 23 and each following year, the education commissioner must withhold from an alliance district 10% of any increase in funds that the district receives for that fiscal year over the amount that it received for FY 20. The department must use the funds to make a payment to the alliance district, and the district must spend the funds for the residency program costs described in the act.

Allowed Uses of Residency Grants

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A participating board may apply to the education commissioner, at a time and in a manner she prescribes, for a payment or grant award for costs associated with (1) enrolling minority candidates in a residency program, (2) the certification process for these minority candidates, (3) hiring minority candidates after their successful completion of a residency program, or (4) retaining minority candidates as certified school district employees.

The act prevents any unexpended funds paid or awarded to a board of education under the act from lapsing at the end of the fiscal year. These funds must be carried over and be available to spend for implementing the act's purposes during the next fiscal year.

Potential Hires

The act authorizes a board of education to hire a minority candidate who has successfully completed the residency program.

Non-Alliance School Districts May Participate

Beginning with FY 23, the act allows non-alliance districts to partner with a residency program operator to enroll minority candidates and place them in the school district as part of the residency program. The participating board may hire the minority candidate after he or she successfully completes the program.

The board may apply to the education commissioner, at a time and in a manner the commissioner determines, to receive a grant for any of the allowed costs described in the act. The commissioner may, within available appropriations, award a grant to a non-alliance board of education for any of the allowed costs.

Program Guidelines

The act requires SDE to develop guidelines and criteria to implement the minority candidate certification, retention, or residency year program and administer the related funds.

Education Commissioner to Release Alliance Funds

Under the alliance district law, the education commissioner may only release alliance funding if it will be expended in accordance with (1) the school district's alliance plan, (2) the law requiring that the funding only be spent for educational purposes and not to supplant local education dollars, and (3) any SBE guidelines regarding these funds. The act allows the funds to also be released in accordance with the act's residency program.

Background — Accountability Index Scores

The "accountability index" for a school district or an individual school is the

score resulting from multiple weighted measures that (1) include the mastery test scores (i.e., performance index) and, if appropriate, high school graduation rates, and (2) may include academic growth over time, attendance and chronic absenteeism, postsecondary education and career readiness, enrollment in and graduation from institutions of higher education and postsecondary education programs, civics and arts education, and physical fitness (CGS § 10-223e(a)).

§ 380 — PLAN TO PROMOTE TEACHING AS A CAREER

Requires the education commissioner and certain higher education officials to jointly develop a plan to help school boards promote teaching as a career option to high school students; requires SDE to distribute to school boards information that promotes the teaching profession

The act requires the education commissioner, the CSCU president, and UConn's Neag School of Education dean to jointly develop a plan to assist boards of education in promoting the teaching profession as a career option to high school students. The plan must include (1) a way for school districts to develop partnerships with in-state educator preparation programs and (2) counseling programs to inform high school students about, and recruit them to, the teaching profession. (The act does not include a deadline for plan completion.)

The act also requires SDE, by September 1, 2021, to distribute to boards of education information that promotes the teaching profession, including materials on in-state educator preparation programs and alternative route to certification programs for school counselors and students. SDE must also make this information available on its website.

EFFECTIVE DATE: July 1, 2021

§§ 381-383 — IMPLICIT BIAS AND ANTI-BIAS TRAINING VIDEO MODULE

Requires SDE, by July 1, 2022, to develop an implicit bias and anti-bias video training module for school district personnel who hire teachers; requires board of education employees involved in, or responsible for, hiring teachers to complete the training starting on July 1, 2023

The act requires SDE, in consultation with the Minority Teacher Recruitment Policy Oversight Council and the State Education Resource Center, to develop a video training module for school district personnel involved in, or responsible for, hiring teachers. The training module must focus on implicit bias and anti-bias in the hiring process and be developed and available by July 1, 2022. For each school year beginning with the one starting on July 1, 2023, the act requires any board of education employee who is involved in, or responsible for, hiring teachers to complete this training module before participating in the teacher hiring process.

The act also adds the video training module to the required in-service training program that school districts must provide for teachers, administrators, and pupil personnel. It must be included in the culturally responsive pedagogy and practice training that is part of a statutory list of training topics.

EFFECTIVE DATE: July 1, 2021

§ 384 — STUDY OF MULTIPLE MEASURES TO DEMONSTRATE CONTENT MASTERY FOR TEACHER CERTIFICATION

Requires SDE to study a multiple-measures approach to demonstrate content-area mastery of the content assessment requirement for teacher certification; requires SDE to submit a report with any recommendations to the Education Committee by January 1, 2023

The act requires SDE to study a multiple-measures approach to demonstrate content-area mastery of the content-area assessment (i.e., exam) requirement for teacher certification. By law, teacher certification candidates must pass a content-area assessment to qualify for a certification.

The study must at least include (1) a review of current assessment requirements for educator certification, (2) candidate first-time pass rates, (3) best attempt pass rates, (4) candidate access to and use of the free-retake policy, and (5) alternative multiple-measure pathways to demonstrate content-area mastery for certification.

SDE must submit a report on its findings and any recommendations to the Education Committee by January 1, 2023.

EFFECTIVE DATE: July 1, 2021

§ 385 — BLACK AND LATINO STUDIES COURSE

Requires the high school course in Black and Latino studies, which by law must be offered in the 2022-2023 school year, to also be offered in each following school year

The act requires the high school course in Black and Latino studies, which by law must be offered in the 2022-2023 school year, to also be offered in each following school year. The act also specifies that the course offered must be the one approved by the State Board of Education under the law that required the course.

EFFECTIVE DATE: Upon passage

§ 386 — SOCIAL-EMOTIONAL LEARNING ASSESSMENTS

Allows each board of education to annually administer a social-emotional learning assessment to students beginning with the upcoming school year; requires parents and guardians to be given prior notice of the assessment and grant permission before the assessment is given

PA 21-95 requires each local and regional board of education to administer a social-emotional learning assessment to students in the 2021-2022 school year. This act allows, rather than requires, boards to administer the assessment and allows them to continue to do so for each school year thereafter. Boards can choose between (1) an SDE-provided social-emotional learning assessment or (2) another social-emotional learning assessment or mental health and resiliency screening.

Under PA 21-95 and unchanged by the act, parents or guardians must (1)

receive prior written notice of the upcoming assessment and (2) grant permission before a student can be given the screening.

EFFECTIVE DATE: July 1, 2021

§ 387 — CONNECTICUT REMOTE LEARNING COMMISSION

Requires SDE to establish a commission to analyze and provide recommendations about (1) remote learning for K-12 public school students and (2) the feasibility of establishing a statewide remote learning school

The act requires the State Department of Education to establish the Connecticut Remote Learning Commission to analyze and provide recommendations about remote learning for public school students in grades kindergarten to 12 (“K-12”). Under the act, “remote learning” means instruction using one or more internet-based software platforms as part of a remote learning model.

Commission Report

The act requires the commission to create a report containing an analysis and recommendations on the following matters. First, the report must address remote learning’s impact on (1) elementary, middle, and high school students’ educational attainment; (2) students’ physical and emotional development; (3) students’ access to special services, including mental health services, and to food security and nutrition; and (4) instructional delivery quality. This analysis must collect data disaggregated by student subgroups based on race, ethnicity, age, gender, free or reduced-price lunch eligibility, students with disabilities, and primary language other than English.

The report must also address the feasibility of creating a K-12 statewide remote learning school that meets the following criteria:

1. is maintained by the State Board of Education (SBE) and under its direction and control;
2. provides at least 180 days of actual school sessions and 900 hours of actual school work in a school year for grades K-12, so long as no more than seven hours in a given school day count toward the 900-hour total;
3. offers coursework and a curriculum that is rigorous, aligned with SBE-approved curriculum guidelines, and in accordance with SBE-adopted statewide subject matter content standards;
4. grants a diploma to an enrolled student who has satisfactorily completed state law’s high school graduation requirements; and
5. is created with consideration for best practices in remote learning, technological capabilities of students statewide, and equity.

Finally, the commission’s report must address the following financial and student-centric topics:

1. associated costs for establishing one or more statewide or regional remote learning schools, including an examination of how other states have used these schools;

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2. various remote learning models' potential fiscal impact on local and regional school districts; and
3. options to ensure that participating students have adequate parental or adult supervision, educational support, technical assistance, continuity of attendance, and engagement.

Membership

Under the act, the commission consists of 17 members, appointed by the authorities and possessing the qualifications described in the table below.

Remote Learning Commission Membership

<i>Appointing Authority</i>	<i>Appointee Qualifications</i>
House speaker	One Connecticut Association of Boards of Education representative One Connecticut Education Association representative
Senate president pro tempore	One RESC Alliance representative One UConn Neag School of Education representative
House majority leader	One Connecticut Association of Public School Superintendents representative One American Federation of Teachers – Connecticut representative
Senate majority leader	One Connecticut Commissioner for Educational Technology representative One Connecticut Council of Administrators of Special Education representative
House minority leader	One Connecticut Association of Schools representative One Connecticut Association of Latino Administrators and Superintendents representative
Senate minority leader	One Social and Emotional and School Climate Advisory Collaborative representative One State Education Resource Center representative
Education commissioner	One appointee

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<i>Appointing Authority</i>	<i>Appointee Qualifications</i>
N/A	Charter Oak State College president or his designee
N/A	Education commissioner or her designee
N/A	Early childhood commissioner or her designee
N/A	Office of Higher Education executive director or his designee

Under the act, all initial appointments to the commission must be made by August 30, 2021, and appointing authorities must fill any vacancies. The act requires the Education Commissioner, or her designee, to serve as the commission's chairperson.

Report Submission and Due Date

The act requires the commission to report its findings and recommendations to the governor, SBE, and the Education and Children's committees by July 1, 2022.
EFFECTIVE DATE: July 1, 2021

§ 388 — STATEWIDE REMOTE LEARNING SCHOOL PLAN

Requires SDE to develop a plan to create and implement a K-12 statewide remote learning school

The act requires the State Department of Education (SDE) to develop a plan to create and implement a statewide remote learning school for grades kindergarten to 12 (K-12). Under the act, "remote learning" means instruction through at least one internet-based software platform as part of a remote learning model.

When developing the plan, SDE must (1) consider the Connecticut Remote Learning Commission's reported findings and recommendations (see § 387 above), (2) review other states' remote learning schools and models being implemented, and (3) estimate how many Connecticut students may be eligible to enroll in the school. The act requires SDE to use federal funds, to the extent allowable under federal guidelines, received from the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) to develop the plan.

Under the act, any statewide remote learning school that may be created under the plan must meet the following criteria:

1. be maintained by and under the State Board of Education's (SBE) direction and control;
2. provide at least 180 days of actual school sessions and 900 hours of actual school work per school year for grades K-12, so long as no more than seven hours in any school day count toward the 900-hour requirement;
3. offer coursework and a curriculum that is rigorous, aligned with SBE-approved curriculum guidelines, and in accordance with SBE-adopted

- statewide subject matter content standards;
- 4. grant a diploma to any enrolled student who satisfactorily completes the high school graduation requirements in state law; and
- 5. be created with consideration for best practices in remote learning, technological capabilities of students statewide, and equity.

The act requires SDE to draft a request for proposals (RFP) for any items needed to create and implement the school. By July 1, 2023, SDE must submit the plan, the draft RFP, and any legislative recommendations for the plan's implementation to the Education and Appropriations committees.

EFFECTIVE DATE: July 1, 2022

§ 389 — REMOTE LEARNING AUDIT

Requires SDE to audit public school boards' provision of remote learning in the 2019-20 and 2020-21 school years due to the COVID-19 pandemic

The act requires the State Department of Education (SDE) to conduct a comprehensive audit of local and regional boards of education's remote learning provided in the 2019-20 and 2020-21 school years due to the COVID-19 pandemic. SDE must use federal funds, to the extent allowable under federal guidelines, received from the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) to conduct the audit. The audit must examine at least the following:

1. whether and how boards initially provided remote learning during the beginning of the pandemic, focusing on technological capabilities or limitations at that time;
2. curriculum used as part of remote learning and whether students were able to complete the grade level curricula;
3. remote learning preparation or training levels that teachers received both before and during remote learning in these school years, including the nature of the training and whether it was offered as professional development or in-service training;
4. the improvement level, if any, of the remote learning provided from the 2019-20 school year to the 2020-21 school year; and
5. student absenteeism rates and academic performance during the pandemic relative to pre-pandemic rates and performance.

After the audit, SDE must develop a report using the audit results to do the following:

1. evaluate remote learning's efficacy, hybrid learning models, and the potential to leverage technology for teaching in other scenarios and rethinking instruction delivery;
2. identify a system of metrics to hold boards of education accountable for remote learning access and equity; and
3. review and make recommendations about ongoing public education requirements, including how to define a "school day," by aligning technology and how to optimally integrate remote learning into the program of study and public education.

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Under the act, SDE must submit this comprehensive audit and report, along with any legislative recommendations, to the Education Committee by January 1, 2025.

EFFECTIVE DATE: Upon passage

§§ 390-393 — TECHNICAL & CONFORMING CHANGES

Makes minor and conforming changes mostly related to remote learning terminology

The act makes minor and conforming changes in PA 21-46, including renaming the term “virtual learning” as “remote learning.” It also removes from the definition of “remote learning” in-person instruction using internet-based software platforms.

EFFECTIVE DATE: July 1, 2021

§§ 394-404 — READING CURRICULUM MODELS, CENTER FOR LITERACY, AND RELATED READING PROGRAMS

Creates a new Center for Literacy Research and Reading Success with the authority to generally require school districts to use certain reading curricula; transfers certain reading-related duties from SDE to the center; establishes a Reading Leadership Implementation Council to develop and publish the center’s annual goals; adds a definition of reading to several laws; expands access to the intensive reading instruction program to any alliance district; requires the education commissioner to submit an evaluation of the literacy center to the Education and Appropriations committees

The act makes several changes in state law regarding school reading programs and creates a new Center for Literacy Research and Reading Success (i.e., “literacy center”) with the authority to recommend at least five reading curriculum models or programs that must be used by local and regional boards of education for grades prekindergarten to three. It also establishes a 13-member Reading Leadership Implementation Council (i.e., “council”) to develop and publish the center’s annual goals and inform its activities.

It requires the State Department of Education (SDE) to establish the literacy center within the department and transfers certain duties related to reading from SDE to the center.

The act makes the following changes in reading and literacy related laws and programs:

1. requires the literacy center, rather than SDE, to compile a list of approved reading assessments to identify children in grades kindergarten to three who are reading below proficiency (§ 398);
2. expands access to the intensive reading instruction program by making it available to all alliance districts (§ 399);
3. makes several changes to the reading readiness program (§ 401) and the duties of the state director of reading initiatives (§ 403); and
4. requires the education commissioner to evaluate the literacy center and submit the evaluation to the Education and Appropriations committees by February 1, 2024 (§ 404).

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The act defines the areas of reading for the curriculum models and (1) adds this definition to the required program of instruction for all public schools and (2) conforms the existing definition in two other reading laws (reading assessments and the intensive reading instruction program) to match the act's definition.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, for provisions creating the literacy center, requiring local boards to use the curriculum models and programs, and requiring the evaluation of the literacy center and July 1, 2022, for all other provisions.

Required Prekindergarten to Grade Three Reading Curriculum Model or Program (§§ 394-396)

Under the act, by July 1, 2022, the literacy center director must review and approve, in consultation with the council, at least five reading curriculum models or programs for boards of education to implement according to their school district's unique needs. The approved models or programs must be (1) evidence- and scientifically-based and (2) focused on competency in the following reading areas: oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency, and reading comprehension.

Beginning July 1, 2023, the act requires each local and regional board of education to (1) implement one of these recommended models or programs each school year for grades prekindergarten to three and (2) notify the literacy center every two years about which model or program it is implementing.

Under the act, if a board demonstrates to the commissioner that it has insufficient resources or funding to implement any of the models or programs, the commissioner must grant extended time (of an unspecified duration) if she finds that the board shows continued efforts to implement one.

The act allows a board to request a waiver to use an alternative reading curriculum model or program instead of a literacy center-approved one. The commissioner, in consultation with the literacy center's director, must grant the waiver if she finds that the alternative model or program otherwise meets the criteria previously described above. Waiver requests must include (1) reading assessment data that has been disaggregated by race, ethnicity, gender, free or reduced-price lunch eligibility, students whose primary language is not English, and students with disabilities and (2) a strategy to address remaining achievement gaps as defined in state law.

Center for Literacy Research and Reading Success, Reading Leadership Council, and Literacy Coaches (§ 402)

The act requires SDE to create the literacy center within the department and specifies its duties. In addition to approving reading curriculum models or programs as discussed above, the center is responsible for:

1. receiving and publicly reporting, by September 1, 2023, and biennially afterwards, the reading curriculum model or program being implemented by each board;

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2. providing independent, random reviews of school districts' implementation of (a) the required reading curriculum model or program and (b) an approved reading assessment (see § 398);
3. implementing the statewide reading plan for students in kindergarten to grade three as amended by the act (see § 400);
4. researching and developing, in collaboration with the Office of Early Childhood, a birth to grade 12 reading success strategy to be included in the alignment of reading instruction with the state's two-generational initiative established in state law;
5. providing direct support to schools and boards of education to improve reading outcomes for students in kindergarten to grade three and other reading initiatives;
6. supporting teachers, schools, and boards engaged in improvement through coaching, leadership training, professional development, parental engagement, and technical assistance that is consistent with the intensive reading instruction program (see § 399) and aligned with evidence-based practices;
7. developing and maintaining a website to disseminate tools and information associated with the intensive reading instruction program;
8. serving as a collaborative center for higher education institutions and making available to the faculty of teacher preparation programs (a) materials related to the science of teaching reading, (b) the intensive reading instruction program, and (c) samples of available reviewed and recommended reading curriculum models or programs; and
9. reviewing and publicly reporting on progress made by teacher preparation programs to include recommended reading curriculum models or programs.

Center Director. The act requires the literacy center's director, in consultation with the council (see below), to be responsible for (1) overseeing the center's activities; (2) facilitating communication between the center, boards of education, and other center affiliates; and (3) coordinating the dissemination of information, tools, and services made available by the center.

Reading Leadership Implementation Council. The act requires the literacy center's activities to be informed by the 13-member Reading Leadership Implementation Council. The council must develop and publish the annual goals for the center and meet at least once every two months. It may consult with representatives of public, private, and philanthropic organizations.

The council membership includes the center's director; the Commission on Women, Children, Seniors, Equity and Opportunity's executive director; and the UConn Neag School of Education dean, or their respective designees; and 10 appointed members. The table below shows the appointing authority and qualifications, if specified, for the appointed members.

Reading Leadership Implementation Council Appointments

<i>Appointing Authority</i>	<i>Members</i>
Governor	One with experience in literacy or education who is

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Appointing Authority	Members
	engaged in developing and implementing the intensive reading instruction program
Senate president pro tempore, Senate minority leader, House speaker, and House minority leader	Each choose one (total of four) with experience in literacy or education
Black and Puerto Rican Caucus chairperson	One with experience in literacy or education who is engaged in the development and implementation of the intensive reading instruction program, so long as the individual is not a member of the General Assembly One with no specified qualifications
Education commissioner	Three with no specified qualifications

Literacy Coaches. The act requires the literacy center to engage external literacy coaches who have experience and expertise in the science of teaching reading.

These coaches must:

1. provide training and professional development on the intensive reading instruction program, literacy leadership, and effective instruction to teachers;
2. work directly with teachers to support the implementation of the intensive reading instruction program;
3. provide coaching to teachers; and
4. participate in family engagement activities.

Defining Reading in the Required Program of Instruction for Schools (§ 397)

By law, school districts are required to provide certain subjects and topics in the program of instruction they offer to their students. This includes language arts, including reading, writing, grammar, speaking, and spelling. The act adds the definition of “reading” as evidenced-based instruction that focuses on competency in the reading areas as described above (see § 395).

Reading Assessments (§ 398)

The act transfers, from SDE to the literacy center, responsibility for compiling a list of approved reading assessments to be used by boards of education beginning in the 2023-24 school year to identify children in grades kindergarten to three who are reading below proficiency. The assessments must consider the recommendations contained in the Dyslexia Task Force’s report, Appendix G, which provide a list of kindergarten through grade three reading screeners. In addition to existing criteria for the assessments, the act requires they meet the following criteria:

1. be brief;

2. be evidence-based, as defined in federal law, with proven psychometrics for validity;
3. measure the areas of reading as defined in the act (adding oral language and rapid automatic name or letter name fluency to the existing measures); and
4. provide for formative assessment at least three times a year (fall, winter, and spring), rather than be general periodic assessments as under prior law.

The act also requires SDE to provide guidance to boards of education by January 1, 2023, on the following:

1. administering the approved assessments, including specifying appropriate grade levels for each and allowing them to be combined to ensure measurement of the different reading ability areas;
2. how each board's goals, student body characteristics, and resources should inform the board's reading assessment choice; and
3. how the aggregate data from the assessments should be used by the district to guide prevention and early reading intervention strategies.

The guidance must require the administration of assessments in both English and the student's native language, if available, for any student being instructed in literacy in his or her native language.

The act also requires the commissioner to report, by February 1, 2023, the approved reading assessments and related SDE guidance to the Education Committee.

Data Center Partnership. The act allows SDE to enter into a partnership with a public higher education institution to establish a data center to guide SDE and boards of education in the use and effectiveness of reading assessments. The data center may include tracking (1) which reading assessments school districts use and (2) student information, disaggregated by categories, including a student's demographic background, school district, reading assessment dates, and scores, so long as the disaggregation keeps student information personally nonidentifiable.

Intensive Reading Instruction Program (§ 399)

By law, the intensive reading instruction program has several components, including (1) an intensive reading intervention strategy, (2) supplemental reading instruction, and (3) a summer reading program. Prior law required the education commissioner to choose five to 10 elementary schools that have been identified to participate in the intensive reading instruction program.

The act broadens this program by (1) requiring the literacy center to provide the program to any alliance district board of education that requests it or (2) alternatively, allowing the center to choose to include the intensive reading program in the early literacy tiered supports provided under the reading readiness program (see § 401). Alliance districts are the 33 lowest performing school districts based on the district's accountability index (AI) score (see *Background*).

Under prior law, the areas of reading for the intensive reading program were phonemic awareness, phonics, fluency, vocabulary, and text comprehension. The

act adds “oral language” and “rapid automatic name or letter fluency,” and it replaces “text comprehension” with “reading comprehension.”

Opportunity Gaps. The act also adds the term “opportunity gaps” in the intensive reading instruction program law. Under the act, “opportunity gaps” mean the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors intersect with the unequal or inequitable distribution of resources and opportunities to contribute to or perpetuate lower educational expectations, achievement, or attainment.

Under the act, for the school year beginning July 1, 2022, and each year after, the literacy center must oversee the intensive reading program for grades kindergarten to three; close achievement gaps that result from opportunity gaps; and provide the program to any alliance district that requests it. Under prior law, the education commissioner created the program to close achievement gaps.

Intensive Reading Intervention Strategy. As part of the reading program, prior law required SDE to develop an intensive reading intervention strategy to ensure all students were reading proficiently by grade three. Under the act, for the school year starting July 1, 2022, and each following year, the literacy center must develop the strategy that will be used by any alliance district elementary school with students who are not reading at or above grade level to ensure the students are reading proficiently by grade three.

Under prior law, the strategy had to include one SDE-funded external literacy coach for each school and four SDE-funded reading interventionists for each school. The act eliminates (1) the specific number of coaches and interventionists and instead provides that coaches and interventionists will be made available to the schools and (2) prior law’s requirement that SDE funds the coaches and reading interventionists. The literacy coaches must have experience and expertise in the science of teaching reading.

Other aspects are left unchanged, including that the strategy include:

1. rigorous assessments in reading skills,
2. scientifically-based reading research and instruction, and
3. training for teachers and administrators in scientifically-based reading research and instruction, including training for school administrators on how to assess a classroom to ensure that all children are proficient in reading.

Supplemental Reading Instruction. Starting with the 2022-23 school year, each alliance district board of education, in consultation with the literacy center, must provide supplemental reading instruction for students in kindergarten to grade three who are reading below proficiency as identified by a reading assessment. Under prior law, only schools selected by the commissioner to participate in the intensive reading instruction program had to provide the supplemental instruction.

The act requires each alliance district board of education that provides supplemental reading instruction through the intensive reading program to report to the literacy center in a time and manner that SDE requires about each student’s reading progress and the specific reading interventions and supports that were implemented.

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Intensive Summer Reading Program. Under prior law, any student of a priority school district who was in the intensive reading program and reading below proficiency at the end of the school year had to be enrolled in an intensive summer school reading program. This program's required components include a comprehensive reading intervention and scientifically-based reading research and instruction strategies. The act instead requires these students who are enrolled in alliance districts to enroll in the summer program. This expands this requirement, since there are 33 alliance districts compared to 15 priority school districts.

The act requires each alliance district board of education, in consultation with the literacy center, to provide the intensive summer reading instruction program to any student in kindergarten to grade three who is reading below proficiency at the end of the school year.

Reporting Requirement. The act requires, starting by October 1, 2022, the education commissioner to report annually to the Education Committee on student reading levels in the intensive reading instruction program, including recommendations on model components of the school reading intervention strategy that may be replicated in other alliance districts.

Statewide Reading Plan (§ 400)

The act transfers, from SDE to the literacy center, the responsibility for developing the existing statewide reading plan for students in grade kindergarten to three. By law, this plan must contain research-driven strategies and frameworks to produce effective reading instruction and improvement in student performance. The center must complete the plan by January 1, 2023.

Reading Readiness Program (§ 401)

The act requires the literacy center, rather than SDE, to operate the reading readiness program, which, under existing law, provides tiered early literacy supports to alliance districts. Also, the literacy center, rather than SDE, must conduct reading readiness assessments for students in kindergarten to grade three in alliance districts. The act specifies that the assessment must consider, among other items, whether a school district has access to external literacy coaches with experience and expertise in the science of teaching reading.

Director of Reading Initiatives (§ 403)

By law, the director of reading initiatives within SDE has many duties, including administering the intensive reading instruction program and the statewide reading plan. Prior law required the director to improve student literacy in kindergarten to grade three and close the achievement gap. The act modifies this to closing the achievement gaps that result from opportunity gaps.

Additionally, the act specifies that the incentive program that the director administers under existing law must only be administered within available appropriations. By law, this program allows the education commissioner to

include public recognition, financial awards, or operational flexibility to incentivize schools to improve student reading skills.

SDE Evaluation of Literacy Center (§ 404)

The act requires, by February 1, 2024, the SDE commissioner to submit to the Education and Appropriations committees an evaluation report on the literacy center, including (1) whether student literacy has improved in alliance districts and (2) how resources and funding have been allocated and spent pursuant to the act.

Background — Accountability Index Scores

The “accountability index score” for a school district or an individual school means the score resulting from multiple weighted measures that (1) include the mastery test scores (i.e., the performance index score) and high school graduation rates and (2) may include academic growth over time, attendance and chronic absenteeism, postsecondary education and career readiness, enrollment in and graduation from higher education institutions and postsecondary education programs, civics and arts education, and physical fitness (CGS § 10-223e(a)).

§ 405 — ANTI-DISCRIMINATION LAW

Expands the education anti-discrimination law to provide that children have equal opportunity to participate without discrimination based on disability; modifies the definition of race in the same law by conforming it to state human rights law, thus adding hair and hairstyles

The education anti-discrimination law provides that a child has equal opportunity to participate in school and related activities without discrimination based on race, color, sex, gender identity or expression, religion, national origin, or sexual orientation. The act expands this law to also provide that children have equal opportunity to participate without discrimination based on disability.

It also modifies the education anti-discrimination law to conform its definition of race to the definition in the human rights statute, as amended by the CROWN Act (PA 21-2). PA 21-2 expands the definition of race to include ethnic traits historically associated with race, including hair texture and protective hairstyles such as wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs.

EFFECTIVE DATE: Upon passage

§§ 406 & 407 — PROFESSIONAL DEVELOPMENT FOR BLACK AND LATINO STUDIES COURSE

Requires SERC to provide technical assistance for teacher professional development and in-service training on teaching the Black and Latino studies course; allows school districts to accept grants and gifts for the professional development and training

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For each school year, beginning with the 2021-2022 year, the act requires the State Education Resource Center (SERC) to provide technical assistance to local boards of education for their professional development and in-service training for those teaching the Black and Latino studies course.

The act also expands the law that allows school districts to accept gifts, grants, and donations to support the development and implementation of the required African-American and Black studies and Puerto Rican and Latino studies curriculum to allow them to accept gifts, grants, and donations for the related professional development and in-service training.

EFFECTIVE DATE: July 1, 2021

§ 418 — PER-STUDENT GRANT FOR REGIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY EDUCATION (VO-AG) CENTERS

Increases, by \$1,000, the per-student state grant for vo-ag centers

The act increases the annual state grant for each student enrolled in a vo-ag center from \$4,200 to \$5,200. Under existing law and unchanged by the act, the grants are within available appropriations.

The students receive agricultural education from the centers and regular comprehensive education from the high school where the vo-ag center is located or in their home district. By law, surrounding districts and vo-ag host districts may send students to a vo-ag center.

EFFECTIVE DATE: July 1, 2021

§§ 419-421 — BIRTH-TO-THREE PROGRAM

Generally expands the Birth-to-Three program by including certain children who turn age three during the summer to conform with PA 21-46; extends certain group and individual health insurance coverage to these children

Eligible Children (§ 419)

PA 21-46, § 28, requires the Early Childhood commissioner, by July 1, 2022, to develop and implement a plan to expand the Birth-to-Three program to provide early intervention services to any child who:

1. is enrolled in the program;
2. turns age three on or after May first and not later than the first day of the next school year beginning July first; and
3. is eligible to participate in preschool programs under Part B of the federal Individuals with Disabilities Act, however the services must end when the child starts participating in the preschool program.

Under prior law, “eligible children” for the Birth-to-Three program were those (1) from birth to age 36 months, (2) not eligible for special education and related services under state law, and (3) who need early intervention services for the reasons specified below.

This act makes a conforming change by expanding the definition of “eligible

children” to include those who:

1. are (a) 36 months or older; (b) presently engaged in early intervention services; and (c) eligible or being evaluated for preschool services under the Individuals with Disabilities Education Act (IDEA) Part B, until they are enrolled in these preschool services; and
2. need early intervention services for the reasons specified below.

By law, and unchanged by the act, eligible children include those who need early intervention services because they are (1) diagnosed as having a physical or mental condition that has a high probability of resulting in developmental delay or (2) experiencing a significant developmental delay as measured by standardized diagnostic instruments and procedures, including informed clinical opinion, in their (a) cognitive development; (b) physical development, including vision or hearing; (c) communication development; (d) social or emotional development; or (e) adaptive skills.

Group and Individual Health Insurance Policies (§§ 420 & 421)

The act expands to eligible children, as defined by the act, insurance coverage for medically necessary early intervention services provided as part of an individualized family service plan, which is already available to children from birth to age three. By law, this applies to group and individual health insurance policies delivered, issued for delivery, renewed, amended, or continued in the state.

EFFECTIVE DATE: July 1, 2021

§§ 422-425 — CORPORATION BUSINESS TAX

Extends the 10% corporation business tax surcharge to the 2021 and 2022 income years; delays the start date of the capital base tax phase-out by three years and extends the phase-out period

Surcharge (§§ 422 & 423)

The act extends the 10% corporation business tax surcharge by two years, to the 2021 and 2022 income years.

As in prior income years, the surcharge applies to companies with more than \$250 in corporation tax liability that either (1) have at least \$100 million in annual gross income in those years or (2) are taxable members of a combined group that files a combined unitary return, regardless of their annual gross income amount. Companies must calculate their surcharges based on their tax liability, excluding any credits.

Capital Base Tax Phase-Out (§ 424)

Prior law phased out the capital base tax on corporations over four years, from 2021 to 2024. As the following table shows, the act (1) delays the start of the phase-out period by three years, from 2021 to 2024, and (2) extends the phase-out period by four more years.

Capital Base Tax Phase-Out Schedule

Income Year	Capital Base Tax Rate (mills per dollar of capital base)	
	Prior Law	The Act
2021	2.6	3.1
2022	2.1	
2023	1.1	
2024	0	2.6
2025		2.1
2026		1.6
2027		1.1
2028+		0

The capital base tax is a component of the state's corporation business tax. For most corporations, the corporation business tax rate is (1) 7.5% of net income; (2) for the 2021 income year, 3.1 mills per dollar of capital base (up to \$1 million); or (3) \$250, whichever produces the larger tax.

Relief From Interest on Estimated Tax Underpayments (§ 425)

The act provides that taxpayers are not subject to interest on underpayments of estimated tax for the 2021 income year for any additional tax due from these corporation business tax changes for the period before they take effect.

EFFECTIVE DATE: Upon passage

§§ 426 & 427 — R&D TAX CREDITS

Increases the cap on the amount of R&D tax credits corporations may claim each year from 50.01% to 70% of their annual tax liability, phased in over two years, and limits the number of years that taxpayers may carry forward unused R&D tax credits

Credit Cap (§ 426)

The act increases the cap on the amount of R&D tax credits corporations may claim each year against the corporation business tax to 70%, phased in over two years.

Prior law capped the total value of credits corporations may claim at 50.01% of their annual tax liability. The act allows them to use credits for research and development expenditures to reduce up to (1) 60% of their liability for the 2022 income year and (2) 70% of their liability for the 2023 income year and for each income year after that.

Carryforward Period (§ 427)

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The act limits the number of years taxpayers may carry forward unused R&D tax credits. Under prior law, taxpayers could carry forward unused R&D credits to successive income years until they are fully taken. The act caps the carry forward period to 15 years, beginning with credits allowed for the 2021 income year.

EFFECTIVE DATE: Upon passage, with the carryforward provision applicable to income years beginning on or after January 1, 2021.

§ 428 — INVEST CT TAX CREDIT CAP

Increases the aggregate cap on Invest CT tax credits by \$200 million

The act increases the aggregate cap on Invest CT tax credits by \$200 million, from \$350 million to \$550 million. It retains the program's existing \$40 million annual cap. By law, the credits apply to the insurance premiums and surplus lines brokers tax, and investors qualify for them by investing in eligible businesses through state-certified Invest CT funds.

EFFECTIVE DATE: July 1, 2021

§ 429 — FILM AND DIGITAL MEDIA PRODUCTION TAX CREDIT

Allows film and digital media production tax credits to be claimed against the sales and use tax under certain conditions

Beginning January 1, 2022, the act allows film and digital media production tax credits to be claimed against the sales and use tax under certain conditions.

Specifically, under the act, eligible production companies or other taxpayers claiming the credit (i.e., transferees) may only claim 78% of the credit's value when using it against the sales and use tax, and transferees may claim the credit against the tax only if there is at least 50% common ownership between the transferee and eligible production company that transferred the credit. Similar limitations apply under existing law to credits claimed against the gross receipts tax on cable, satellite, and competitive video services.

As under existing law, film and digital media production tax credits may also be claimed against the corporation business and insurance premiums taxes at full face value and may be sold, assigned, or otherwise transferred to other taxpayers up to three times.

EFFECTIVE DATE: January 1, 2022

§ 430 — EARNED INCOME TAX CREDIT

Increases the EITC from 23% to 30.5% of the federal credit

Beginning with the 2021 tax year, the act increases the earned income tax credit (EITC) from 23% to 30.5% of the federal credit. The EITC is a refundable tax credit available to people who work and earn incomes below certain levels.

EFFECTIVE DATE: July 1, 2021, and applicable to tax years beginning on or

after January 1, 2021.

§ 431 — CHILD TAX CREDIT PLAN

Requires the OPM secretary to create a plan to establish a state-level child tax credit if certain changes to the federal child tax credit occur

The act requires the Office of Policy and Management (OPM) secretary to create a plan to establish a state-level child tax credit if certain changes to the federal child tax credit occur. Specifically, she must do so if the (1) credit is decreased from the amount in effect under the American Rescue Plan Act of 2021 (ARPA) as of the date the act takes effect or (2) eligibility criteria changes in a manner that is less favorable to the taxpayer than the criteria in effect under ARPA as of the date the act takes effect.

OPM must submit this report to the Finance, Revenue and Bonding Committee within six months after the first day of the period to which the decrease or change is applicable.

EFFECTIVE DATE: Upon passage

§ 432 — PROPERTY TAX CREDIT AGAINST THE INCOME TAX

Extends, to the 2021 and 2022 tax years, the limits on eligibility for the property tax credit against the personal income tax

For the 2017 through 2020 tax years, existing law limits eligibility for the property tax credit against the personal income tax to people who (1) are age 65 or older before the end of the tax year or (2) validly claim at least one dependent on their federal income tax return for that year. The act extends these limits to the 2021 and 2022 tax years.

By law, taxpayers earn the credit for property taxes paid on their primary residences or motor vehicles, and the amount of property taxes paid that can be taken as a credit declines as adjusted gross income increases until it completely phases out. The maximum credit is \$200 per tax return.

EFFECTIVE DATE: Upon passage, and applicable to tax years beginning on or after January 1, 2021.

§ 433 — INCOME TAX EXEMPTIONS FOR CERTAIN RETIREMENT INCOME

Phases out, over four years starting with the 2023 tax year, the income tax on income from IRAs, other than Roth IRAs, for taxpayers with qualifying incomes; clarifies that teachers who qualify for the general pension and annuity exemption may take either the teacher pension exemption or the general pension and annuity exemption, whichever is greater

Individual Retirement Account (IRA) Income

The act phases out the income tax on certain taxpayers' distributions from IRAs, other than Roth IRAs, over four years beginning with the 2023 tax year. As

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under existing law for pension and annuity income, taxpayers qualify for the IRA exemption only if their federal AGI is below (1) \$75,000 for single filers, married people filing separately, or heads of households or (2) \$100,000 for married people filing jointly.

The act exempts an increasing portion of IRA income until the income is fully exempt in the 2026 tax year as shown in the table below.

Phase-In of Income Tax Exemption for IRA Income

Tax Year	Percent of IRA Income Exempt
2023	25
2024	50
2025	75
2026 and thereafter	100

Teachers Retirement System Pension Exemption

The act specifies that taxpayers who qualify for both the 50% teacher pension income exemption and the general pension and annuity exemption may take whichever exemption is greater. Under prior law, taxpayers with teacher pension income qualified for the teacher pension exemption or, if applicable, the pension and annuity exemption.

By law, taxpayers are eligible for the general pension and annuity income exemption only if their federal AGI is below (1) \$75,000 for single filers, married people filing separately, or heads of households and (2) \$100,000 for joint filers. The table below shows the applicable exemption percentage for each tax year.

Phase-In of Income Tax Exemption for Pension and Annuity Income

Tax Year	Exempt Pension and Annuity Income Exempt (%)
2021	42
2022	56
2023	70
2024	84
2025 and thereafter	100

EFFECTIVE DATE: Upon passage

§ 434 — ADMISSIONS TAX

Eliminates the admissions tax beginning July 1, 2021, for all places of amusement, entertainment, or recreation except movie theaters

The act eliminates the admissions tax beginning July 1, 2021, except that it

retains the 6% tax on movie tickets costing more than \$5.

The admissions tax was generally 10% of amounts paid for tickets; licenses; skybox, luxury suite, or club seat rentals; and any other admission charges, including any charges for the right to buy seats, with certain exceptions. It was 5% for admissions to specified venues, such as the XL Center in Hartford and Oakdale Theatre in Wallingford. Certain events and facilities were exempt from the tax. The tax covered, among other things, theaters; concert halls; amusement parks; sporting facilities, ball parks, race tracks, golf courses, beaches, and gyms; stadiums and amphitheaters; convention centers; auto, boat, antique, and dog shows; and other similar venues and events.

The act retains the 10% dues tax, which applies to amounts paid as dues or initiation fees to any social, athletic, or sporting club (i.e., organizations owned or operated, or both owned and operated, by members) (CGS § 12-543).

EFFECTIVE DATE: June 30, 2021

§ 435 — SALES AND USE TAX EXEMPTION FOR BREASTFEEDING SUPPLIES

Exempts breast pumps and certain related parts, supplies, kits, and repair services from the sales and use tax beginning July 1, 2021

The act exempts from the sales and use tax (1) breast pumps and breast pump collection and storage supplies, when sold to individuals for home use; (2) repair services and repair or replacement parts for these breast pumps; and (3) breast pump kits, under certain conditions. The act defines a “breast pump” as an electric or manual pump device for expressing milk from a human breast, including external power supply units for the pump that are packaged and sold with it.

Breast Pump Kits

Under the act, a breast pump kit is a prepackaged set that contains one or more of the following: (1) a breast pump, (2) breast pump collection and storage supplies, and (3) other items of tangible personal property that may be useful to start, support, or sustain breastfeeding using a breast pump.

Breast pump kits prepackaged by the manufacturer are tax exempt if they are sold to individuals for home use and contain only tax-exempt breast pumps and breast pump collection and storage supplies. Breast pump kits are taxable if they contain taxable items for which the sales price is more than 10% of the kit’s total sale price.

Breast Pump Collection and Storage Supplies

The act defines “breast pump collection and storage supplies” as items that are used in conjunction with a breast pump to collect milk expressed from a human breast and store it until it is ready for consumption. It specifically includes the following:

1. breast shields and their connectors,

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2. breast pump tubes and tubing adapters,
3. breast pump valves and membranes,
4. backflow protectors and their adapters,
5. bottles and bottle caps specific to the pump's operation,
6. breast milk storage bags, and
7. related items sold in a breast pump kit prepackaged by the breast pump manufacturer.

The act specifies that the following are not considered breast pump collection and storage supplies:

1. bottles and bottle caps not specific to the breast pump's operation;
2. breast pump travel bags or similar carrying accessories (e.g., ice packs and labels), unless sold in a breast pump kit prepackaged by the breast pump manufacturer;
3. breast pump cleaning supplies, unless sold in a breast pump kit prepackaged by the breast pump manufacturer;
4. nursing bras, bra pads, breast shells, or similar products; and
5. creams, ointments, and other similar products that relieve breastfeeding-related symptoms or conditions of the breast or nipples. (Some of these creams and ointments may already be exempt under the nonprescription drug exemption (CGS § 12-412(120)).)

EFFECTIVE DATE: July 1, 2021, and applicable to sales occurring on or after that date.

§ 436 — REVENUE FROM SALES AND USE TAX ON MEALS

Allows certain businesses to keep the sales tax they collect on sales of meals during one of three specified weeks in FY 22

The act allows certain businesses (e.g., hotels, restaurants, and bars) to keep 100% of the 7.35% sales tax they collect on sales of meals during one of the following weeks, as selected by the business:

1. August 1, 2021, to August 7, 2021;
2. December 12, 2021, to December 18, 2021; or
3. May 15, 2022, to May 21, 2022.

It applies to any establishment that sells meals (i.e., food sold in ready-to-eat form or wrapped as “take-out” or “to-go” to be eaten elsewhere) subject to the 7.35% tax and is included in the accommodation and food services industry sector (i.e., sector 72 of the North American Industrial Classification System). Under the act, establishments must provide to DRS the information the commissioner requires to administer this provision, in the form and manner he prescribes.

EFFECTIVE DATE: July 1, 2021

§ 437 — ALCOHOLIC BEVERAGES TAX ON BEER

Beginning July 1, 2023, decreases the excise tax on beer (other than beer for off-premises consumption sold on premises covered by a manufacturer's permit) from \$7.20 per barrel to \$6 per barrel

OLR PUBLIC ACT SUMMARY

Beginning July 1, 2023, the act decreases the alcoholic beverages tax (i.e., excise tax) on beer, as shown in the following table. By law, unchanged by the act, beer for off-premises consumption sold on premises covered by a manufacturer's permit is subject to a lower tax rate (\$3.60 per barrel).

Alcoholic Beverage Tax Rate on Beer

<i>Unit Taxed</i>	<i>Prior Rate</i>	<i>New Rate</i>
Barrel (31 gallons)	\$7.20	\$6.00
½ barrel	3.60	3.00
¼ barrel	1.80	1.50
Wine gallon or fraction under ¼ barrel	0.24	0.20

EFFECTIVE DATE: Upon passage

§§ 438-443 — CREDIT CARD SERVICE FEES

Generally requires state agencies accepting credit, debit, or charge card payments to charge payors a service fee for doing so and disclose the fee before imposing it

The act generally requires state agencies accepting credit, debit, or charge card payments to (1) charge payors a service fee for doing so and (2) disclose the fee to payors before imposing it, in accordance with any disclosure requirements set by the card issuer or processor. It allows agencies to waive the service fee for a category of fees, costs, or fines if the OPM secretary approves the waiver.

Under prior law, the OPM secretary could authorize agencies to charge a service fee for these payments, and the fees had to be (1) related to the cost of the service and (2) uniform for all cards accepted. The act instead requires the service fee to (1) defray the service cost and (2) not exceed the charge imposed by the card issuer or processor, including any discount rate. As under existing law, the fee must be applied only when allowed or authorized in writing by the card issuer or processor.

Existing law also authorizes agencies to accept payments through an electronic payment service. The act retains this authorization, but eliminates the agencies' authorization to charge a service fee for these payments.

The act makes conforming changes to statutes on credit card payments to certain state agencies. Specifically, it:

1. requires, rather than allows, the Department of Motor Vehicles (DMV) commissioner to charge a service fee to payors making fee payments by credit card (§ 440);
2. requires the Department of Public Health (DPH) to charge a service fee for each credit card payment made under its online license renewal system (§ 441);
3. requires, rather than allows, the probate court to charge a service fee for any court fee card payments (§ 442); and
4. requires, rather than allows, the chief court administrator to charge a

service fee for credit card payments made to the judicial branch (§ 443).

The act requires these agencies to apply the same criteria described above in determining the rate or amount of their respective service fees. It also authorizes both DMV and DPH to waive their respective service fees if the OPM secretary has approved the fee category for a waiver, as described above. The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2022

§§ 444-449 — MUNICIPAL REVENUE SHARING ACCOUNT PROGRAM

For FYs 22 and 23, requires (1) motor vehicle property tax grants to be paid from appropriations rather than from MRSA, (2) PILOTs to be paid from appropriations and any remaining part due from MRSA, and (3) specified amounts to be transferred from MRSA to the General Fund; expands the PILOTs paid from MRSA to include existing payments to specified municipalities; modifies the statutory formula for calculating motor vehicle property tax grants

Distribution Schedule (§§ 444 & 448)

Beginning in FY 22, existing law requires 7.9% of state sales and use tax revenue to be diverted to the municipal revenue sharing account (MRSA) each month to fund a number of municipal grant programs. Prior law established a schedule for annually distributing the revenue directed to MRSA. Under this schedule, OPM was required to disburse the funds as follows:

1. an amount sufficient to make the motor vehicle property tax grants, according to a statutory grant formula (see below);
2. an amount sufficient for tiered payment in lieu of taxes (PILOT) grants;
3. \$7 million for regional services grants to regional councils of government (COG) (see § 181); and
4. any remaining amounts for municipal revenue sharing grants to municipalities, according to a statutory grant formula.

The act supersedes this schedule for FYs 22 and 23 and instead requires that the (1) motor vehicle property tax grants be paid from funds appropriated in these fiscal years for the grants and (2) PILOT grants (see § 445) be paid from the funds appropriated in these fiscal years for the grants and the remaining balance due be paid from MRSA.

Under the act, the following amounts must be transferred from MRSA to the General Fund after the remaining balance for the PILOT grants has been paid: (1) \$262.7 million for FY 22 and (2) \$276.3 for FY 23. Any funds remaining in MRSA for FYs 22 and 23 must be used for the municipal revenue sharing grants. (Under the act, regional service grants to the COGs must be paid from the regional performance incentive account, as described in §§ 179-181.)

The act also eliminates obsolete provisions from the MRSA distribution schedule and makes numerous technical and conforming changes.

PILOTs for Specified Municipalities (§§ 444-447)

PA 21-3 requires OPM to disburse from MRSA an amount sufficient to pay

state PILOT grants according to the three-tiered proration method established under the act. This act additionally requires OPM to fund from this MRSA distribution, except as described above for FYs 22 and 23, the existing PILOTs for specified municipalities, including those hosting certain properties or institutions. These include the following PILOTs:

1. 100% PILOT reimbursement for U.S. Department of Veterans Affairs Connecticut Healthcare Systems campuses,
2. an additional \$5 million annual PILOT grant for Bridgeport,
3. an additional \$60,000 to Voluntown for state-owned forest land,
4. \$100,000 to Branford for Connecticut Hospice, and
5. \$1 million to New London for the U.S. Coast Guard Academy.

Under prior law, these PILOTs were paid from the General Fund appropriation for the PILOT program.

PILOT Appropriations Transfer (§ 449)

The act authorizes the OPM secretary to transfer funds appropriated for PILOT under the FY 22-23 budget act (i.e., for the Reimbursements to Towns for Loss of Taxes on State Property and Reimbursements to Towns for Private Tax-Exempt Property accounts) to the Tiered PILOT account to make the PILOT payments described above.

Motor Vehicle Property Tax Grants (§ 444)

Beginning with FY 22, the act changes the statutory formula for calculating the municipal grants that reimburse municipalities for a portion of the revenue loss attributed to the motor vehicle property tax cap. By law, municipalities that impose a mill rate on real and personal property, other than motor vehicles, that is greater than 45 mills (i.e., the capped motor vehicle mill rate) are eligible for the grants.

Under the act, the grant amount equals the difference between the amount of property taxes a municipality, and any tax district in it, (1) levied on motor vehicles for the 2017 assessment year (i.e., FY 19) and (2) would have imposed for that year if the motor vehicle mill rate was the same as the rate for other property.

The same formula applied for FY 21 under the FY 20-21 biennial budget act (PA 19-117, § 70).

EFFECTIVE DATE: July 1, 2021

§§ 445 & 446 — PILOT PROGRAM

Makes taxing districts eligible for state, municipal, and tribal property PILOTs; increases, from 45% to 100%, the reimbursement rate for Connecticut Port Authority property and certain tribal property; modifies the minimum PILOT grant amounts municipalities and districts must receive beginning in FY 22

Taxing Districts

OLR PUBLIC ACT SUMMARY

The act makes taxing districts (i.e., village, fire, sewer, and combination fire and sewer districts and other municipal organizations authorized to levy and collect taxes) eligible for state, municipal, and tribal property PILOTs. Under prior law, municipalities and taxing districts were eligible for the college and hospital property PILOTs, but only municipalities (i.e., towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs) were eligible for the state, municipal, and tribal property PILOTs. The act makes related conforming changes.

Reimbursement Rate for Connecticut Port Authority Property

PA 21-3 restores a provision that applied prior to FY 19 deeming the property and facilities owned by the Connecticut Port Authority to be state-owned real property for purposes of the PILOT program and requiring the state to provide a PILOT to the municipality in which they are located. This act increases the PILOT reimbursement rate for the Connecticut Port Authority property and facilities to 100%, rather than the 45% reimbursement rate that generally applies to state-owned property.

Reimbursement Rate for Certain Tribal Property

The act increases the statutory PILOT reimbursement rate, from 45% to 100%, for (1) Mashantucket Pequot reservation land designated within the 1983 settlement boundary and taken into trust by the federal government before June 8, 1999, and (2) Mohegan reservation land taken into trust by the federal government. By law, the assessed value must be of the land only and exclude any structures, buildings, or other improvements on it.

Under existing law, unchanged by the act, Mashantucket Pequot reservation land (1) designated within the 1983 settlement boundary and (2) taken into trust by the federal government on or after June 8, 1999, is also eligible for 100% PILOT reimbursement.

Minimum PILOT Grant Amount

PA 21-3 establishes a new three-tiered proration method for PILOT grants beginning in FY 22 and, as part of this method, requires that each municipality or district receive a PILOT grant that equals or exceeds the grant it received in FY 21. This act instead specifies that this minimum applies to the total amount of PILOT grants paid to a municipality or district.

EFFECTIVE DATE: July 1, 2021

§ 450 — DRS TAX AMNESTY PROGRAM

Requires DRS to establish a tax amnesty program that gives eligible taxpayers that owe Connecticut state taxes a 75% reduction in the interest that would otherwise be due

OLR PUBLIC ACT SUMMARY

The act requires the DRS commissioner to establish a tax amnesty program for individuals, businesses, or other taxpayers that owe Connecticut state taxes (other than motor carrier road taxes) to DRS. Under the program, eligible taxpayers may receive a 75% reduction in the interest that would otherwise be due. The amnesty runs from November 1, 2021, to January 31, 2022, and covers any taxable period ending on or before December 30, 2020. The act gives the DRS commissioner authority to do anything necessary to timely implement the program.

Amnesty Conditions

Under the act, the DRS commissioner must prepare an amnesty application that requires applicants to specify the taxes and taxable periods for which they seek amnesty. The commissioner may require taxpayers to file their applications and pay any associated amounts electronically. Applicants must pay all amounts due to the state under the program with their applications.

If a taxpayer files the application and pays all the taxes and interest owed for the applicable tax periods, the commissioner must not seek to collect applicable civil penalties and pursue criminal prosecution for those periods.

If the commissioner grants amnesty, the affected taxpayer relinquishes all unexpired administrative and judicial appeal rights as of the payment date. The act bars taxpayers from receiving a refund or credit of amnesty tax payments. Failure to pay all amounts due makes a taxpayer ineligible for amnesty. The commissioner may not consider any request to cancel the unpaid portion of an erroneously or illegally assessed tax, penalty, or interest related to an amnesty application.

The act prohibits the commissioner from accepting amnesty applications for any applicable tax periods in which the taxpayer's liability for the period was already paid, unless the application is filed to report an additional tax amount for that period. Amnesty applications may not result in a refund or credit of a tax, penalty, or interest previously paid.

Interest Reduction

Under the act, eligible taxpayers who apply for the amnesty program qualify for a 75% reduction of the interest that would otherwise be owed on the taxes for the applicable periods. (The interest rate on overdue taxes is generally 1% per month.) A taxpayer's eligibility for this interest reduction is subject to the commissioner's review of the application and, if granted by the commissioner, compliance with the amnesty program's requirements.

Amnesty Exclusions

The act bars amnesty for those who:

1. are parties to a criminal investigation or criminal litigation pending on July 1, 2021, in a federal or Connecticut court;

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2. are parties to a closing agreement with the DRS commissioner;
3. made a compromise offer that the commissioner accepted; or
4. are parties to a managed audit agreement.

Penalty Exemption for Failing to File for 2013 Amnesty Program

Existing law imposes a penalty on any taxpayer who (1) owes any tax for tax periods on or before November 30, 2012, for which a tax return was required but not previously filed and (2) failed to file a timely amnesty application under the state's 2013 amnesty. The penalty is equal to 25% of the tax owed and is not waivable.

Under the act, the penalty does not apply to tax periods ending on or before November 30, 2012, for which no return was previously filed if the (1) tax period is the subject of or included in an amnesty application granted by the commissioner under the act's provisions and (2) taxpayer pays all amounts due to the state related to the application, as described above.

Penalty for Fraud

Under the act, anyone who willfully delivers or discloses to the commissioner or his authorized agent an application, list return, account, statement, or other document known by him or her to be fraudulent or false in any material way is ineligible for the amnesty program. In addition to any other penalties provided by law, he or she is also subject to a fine of up to \$5,000, imprisonment for between one and five years, or both.

EFFECTIVE DATE: Upon passage

§ 451 — TRANSFER TO THE TOURISM FUND

Requires the comptroller to transfer specified amounts from the General Fund to the Tourism Fund for FYs 21 and 22

The act requires the comptroller to transfer, from the General Fund to the Tourism Fund, (1) \$9.8 million for FY 21, and (2) \$3.1 million for FY 22.

EFFECTIVE DATE: Upon passage

§ 452 — GAAP DEFICIT

Deems that \$1 is appropriated in FYs 22-23 to pay off the state's GAAP deficit for FYs 13 and 14

The act deems that \$1 is appropriated in FYs 22 and 23 to pay off the General Fund's unassigned negative balances (i.e., Generally Accepted Accounting Principles (GAAP) deficits) for FYs 13 and 14, which reflect the negative balances that accumulated before the state adopted GAAP in FY 14. By law, the OPM secretary must annually publish recommended schedules to fully amortize the deficits by FY 28.

EFFECTIVE DATE: Upon passage

§ 453 — TRANSFER OF AMERICAN RESCUE PLAN ACT FUNDS TO GENERAL FUND

Requires the comptroller to transfer specified federal ARPA funds to the General Fund for FYs 22 and 23

The act requires the state comptroller to transfer to the General Fund the following amounts from the federal funds designated for the state under the American Rescue Plan Act's Coronavirus Capital Projects Fund: (1) \$559.9 million for FY 22 and (2) \$1,194.9 million for FY 23.

EFFECTIVE DATE: Upon passage

§§ 454-458 — PUBLIC ASSISTANCE LIENS

Expands restrictions on placing liens to recover public assistance and deems additional previously filed claims released as of FY 22; adds a notification requirement and filing deadline to the process of administering certain small estates to recover state claims

Small Estate Administration (§ 454)

By law, when a person supported or cared for by the state dies and leaves an estate worth less than \$40,000, the administrative services commissioner or his authorized representative must certify to the probate court (1) the estate's value and (2) that the state's claim, together with certain final expenses (i.e., last illness and funeral), equals or exceeds the estate's value. The court must then issue a certificate that the commissioner or his representative is the legal estate representative to recover the state's claim. The receipt of this certificate is a valid discharge of the liability for the individual's assistance, last illness, and funeral expenses (CGS §§ 4a-14 to -16).

The act requires the commissioner or his authorized representative, after completing a financial accounting of the estate's assets and debt, to first make a reasonable effort to inform the next of kin in writing that the commissioner or his designee intends to become the estate's legal representative to recover the state's claim for care or assistance rendered to the decedent as required by applicable federal law or state law. It requires the commissioner or his designee to file the certificate with the probate court within 30 days after making the notification attempt. The provisions apply to the estates of individuals who received care or support (1) in a medical or cash assistance program, (2) in an institution maintained by the department of Developmental Services or Mental Health and Addiction Services, (3) while an inmate of the Department of Correction, or (4) as a child committed to the commissioner of Children and Families or Social Services. Cash assistance programs include Aid to Families with Dependent Children (AFDC), State Administered General Assistance (SAGA), the State Supplement Program (SSP), and the Temporary Family Assistance program (TFA).

(PA 21-65, § 1, made the same small estate administration changes, effective October 1, 2021, but PA 21-2, JSS, § 496, repealed it effective June 23, 2021.)

Eligibility of Homeowners & Real Property Liens (§ 455)

The law prohibits deeming an individual or his or her dependents ineligible for assistance under SSP, Medicaid, TFA, SAGA, or the Supplemental Nutrition Assistance Program (SNAP) for owning an interest in his or her home if the property's equity does not exceed program asset limits. Prior law authorized the DSS commissioner, until July 1, 2021, to place a lien against any property to secure the state's claim for public assistance it paid under these programs. Beginning July 1, 2021, PA 21-3, § 3, prohibits the commissioner from placing these liens on real property to recover cash assistance or medical assistance, unless required by federal law. This act makes a technical change to specify that she may only place these liens on real property to recover cash assistance or medical assistance for amounts that must be recovered under federal law.

Liens and Claims on Windfalls (§§ 456-458)

The law gives the state a claim that generally has priority over all other unsecured claims when a recipient of aid under SSP, Medicaid, AFDC, TFA provided to anyone over age 18, or SAGA acquires property of any kind or interest in property. This includes windfalls such as lottery winnings, proceeds from a lawsuit, and inheritances.

Under prior law, the state's claim against the windfall from a lawsuit or inheritance generally equaled the lesser of the amount of assistance paid or 50% of the windfall proceeds. PA 21-3, § 4, prohibits the state from applying liens on real property to enforce its claim on windfalls beyond the amount required to be recovered under federal law. This act further limits the state's claim against lawsuit proceeds and inheritances to the amount of assistance paid that the state must recover under federal law. In the case of a liable parent whose windfall is not subject to recovery under federal law, the state's claim is capped at (1) 50% of the lawsuit proceeds or inheritance received by the parent or (2) the amount of assistance the parent owes, whichever is less. As under existing law, lawsuit proceeds are calculated after payment of all lawsuit-connected expenses (e.g., attorney fees).

Beginning July 1, 2021, PA 21-3, § 4, prohibits the state from recovering cash assistance or medical assistance from a lien filed on any real property, unless required by federal law. PA 21-3 also requires the state to deem any lien on real property filed under CGS § 17b-93 before July 1, 2021, on such property, estate, or claim of any kind released, if the assistance recovery is not required under federal law.

Beginning July 1, 2021, this act expands the prohibition on these recoveries to also include claims filed against property, a property interest, or estate or claim of any kind, and proceeds from a lawsuit or estate, unless the state must recover the assistance under federal law and the provisions of CGS § 17b-93. The act also expands the types of previously filed claims under CGS § 17b-93 that must be deemed released as of July 1, 2021, to include state claims against property, a

property interest, or estate or claim of any kind, and proceeds from a lawsuit or estate, filed by or on behalf of the state if the recovery is not required by federal law and the statute's provisions.

Under prior law, all sums due to an individual from an annuity contract purchased with a public assistance recipient's assets were deemed to be part of the deceased's estate upon his or her death and had to be paid to the state by the annuity's beneficiary to fully reimburse any public assistance benefits paid to, or on behalf of, the deceased. The act limits this requirement to the amount that the state must recover under federal law and the provisions of CGS § 17b-93.

The act also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the provision on small estate administration is effective October 1, 2021.

§ 459 — SALES AND USE TAX EXEMPTIONS FOR BEER MANUFACTURERS

Extends specified manufacturing-related sales and use tax exemptions to beer manufacturers that are not otherwise eligible because they manufacture beer at a facility that also makes substantial retail sales

Beginning July 1, 2023, the act extends specified manufacturing-related sales and use tax exemptions to beer manufacturers that are not otherwise eligible because they manufacture or will manufacture beer at a facility that also makes substantial retail sales (i.e., eligible beer manufacturers).

Under the act, an eligible beer manufacturer qualifies for the following sales and use tax exemptions:

1. gas and electricity for direct use in a manufacturing plant, provided it is a metered building where at least 75% of the gas or electricity consumed is used for manufacturing purposes (CGS § 12-412(3)(A));
2. materials, tools, and fuel to become part of items sold or used directly in an industrial plant to make finished products for sale (CGS § 12-412(18)); and
3. materials, tools, fuels, machinery, and equipment used in manufacturing that are not otherwise eligible for an exemption (50% of the gross receipts from such items) (CGS § 12-412i).

Additionally, the act provides that, beginning July 1, 2023, a sale of machinery to an eligible beer manufacturer qualifies for the sales and use tax exemption for machinery used directly in a beer manufacturing process (CGS § 12-412(34)).

EFFECTIVE DATE: Upon passage, and applicable to sales occurring on or after July 1, 2023.

§§ 460 & 461 — SUPPLEMENTAL COLLAPSING FOUNDATION LOAN PROGRAM

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Allows banks without a physical presence in Connecticut to make program loans and allows banks to charge higher closing costs for program loans made to condominium or common interest ownership associations

The act allows banks and out-of-state banks without a physical presence in Connecticut to participate in the Supplemental Collapsing Foundation Loan Program. It also allows program lenders to exceed the \$800 cap on processing and closing costs for loans made to condominium or common interest ownership associations by allowing them to charge up to 0.5% of the loan amount.

By law, the loan program provides additional assistance for homeowners who receive funding from the Connecticut Foundation Solutions Indemnity Company, LLC (CFSIC) but require additional money to help (1) complete a foundation repair or replacement or (2) restore the property's functionality and appearance, to the extent they were impacted by the crumbling foundation or its repair or replacement process. Loans made under the program are guaranteed by the Connecticut Housing Finance Authority, up to a program maximum of \$2 million. EFFECTIVE DATE: July 1, 2021

§§ 462-468 — AMBULATORY SURGICAL CENTERS

Beginning July 1, 2023, replaces the 6% gross receipts tax on ASCs with a 3% net revenue tax on ASC services, subject to certain exclusions; extends to the ASC net revenue tax the same administrative requirements that apply under existing law to the hospital provider tax and nursing home and ICF-ID user fees

Sunset of Ambulatory Surgical Center (ASC) Gross Receipts Tax (§ 462)

Beginning July 1, 2023, the act replaces the gross receipts tax on ASCs with a 3% net revenue tax on ASC services, subject to certain exclusions. The gross receipts tax is 6% of each ASC's gross receipts for each quarter, excluding (1) the first \$1 million in the applicable fiscal year, excluding Medicaid and Medicare payments; (2) net revenue of a hospital subject to the hospital provider tax; and (3) any Medicaid and Medicare payments the ASC receives.

ASC Net Revenue Tax Rate and Base

For calendar quarters beginning July 1, 2023, the act instead imposes a 3% tax on each ASC's net revenue for each quarter, excluding (1) Medicaid and Medicare payments for "ASC services" and (2) any net revenue of a hospital subject to the hospital provider tax. (In doing so, it eliminates the exclusion for the first \$1 million of gross receipts received that applies under the gross receipts tax.)

By law, and under the act, an ASC is a distinct entity that (1) operates exclusively to provide surgical services to patients not requiring hospitalization, where the services are not expected to take more than 24 hours; (2) has an agreement with the Centers for Medicare and Medicaid Services (CMS) to participate in Medicare as an ASC; and (3) meets the federal requirements to do so.

As is the case under the existing ASC gross receipts tax, the act specifies that it does not prohibit an ASC from seeking remuneration for the net revenue tax it imposes.

Net Revenue Defined. The act defines net revenue for purposes of the ASC tax, applying substantially similar definitions as under the existing hospital provider tax. Specifically, under the act, “net revenue” means gross receipts minus “payer discounts,” “charity care,” and bad debts on which the ASC previously paid the tax. “Gross receipts” means the amount received (cash or in-kind) from patients, third-party payers, and others for taxable ASC services the ASC provides in the state (as described below). It includes retroactive adjustments under reimbursement agreements with third-party payers, with no deduction for expenses. Under the act, “received” means received or accrued according to the ASC’s customary accounting method.

“Payer discounts” is the difference between an ASC’s published charges and the actual payments it received from health care payers for a different or discounted rate or payment method. It excludes charity care and bad debts.

“Charity care” is free or discounted health care services provided by an ASC to individuals who cannot afford to pay, including care to the uninsured patient or patients who are not expected to pay all or part of an ASC’s bill based on income guidelines and other financial criteria established in statute or in an ASC’s charity care policies on file at the ASC’s office. It does not include bad debts and payer discounts.

ASC Services. Under the act, “ASC services” are limited to the procedures or services included in a facility fee payment to an ASC associated with each surgical procedure and that are not reimbursable ancillary or professional procedures or services. They include facility services only and exclude surgical procedures and physicians, anesthetists, radiology, diagnostic, and ambulance services that would be separately reimbursed to an ASC from the facility services under the Medicare program.

Administrative Requirements

The act extends to the ASC net revenue tax the same administrative requirements that apply to the hospital provider tax and nursing home and ICF-ID user fees. Regarding tax returns and payments, these provisions principally do the following:

1. require ASCs to (a) file quarterly returns on DRS-prescribed forms and generally remit their tax payment to the DRS commissioner by the last day of January, April, July, and October of each year and (b) do so electronically, regardless of whether they would have been required to under existing law (§ 463(b));
2. allow ASCs to file, on or before a tax payment’s due date, a request for a reasonable extension of time to pay the tax due to undue hardship, as prescribed under the act (§ 463(b));
3. subject delinquent and non-filing ASC taxpayers to a penalty of 10% of the unpaid tax or \$50, whichever is greater, plus 1% interest for each full

- or partial month that the tax remains unpaid (§ 463(c));
- 4. authorize the DRS commissioner to waive all or part of any penalty, subject to existing law's Penalty Review Committee provisions, when the ASC proves to the commissioner's satisfaction that the failure to pay was due to reasonable cause and not intentional or due to neglect (§ 463(c));
- 5. require the (a) DRS commissioner to notify the DSS commissioner about any delinquent ASC net revenue tax amount and (b) DSS commissioner to deduct and withhold this amount from any amount DSS would otherwise pay the ASC (§ 463(c));
- 6. subject ASC net revenue taxpayers to penalties for (a) willfully failing to pay the tax, file returns, keep records, or supply this information (a fine of up to \$1,000, one year in prison, or both) and (b) willfully supplying fraudulent or false information (class D felony, in addition to other penalties provided by law) (§ 463(d));
- 7. authorize ASCs to file written claims for refunds within three years after the date the tax was due and written protests against proposed disallowances of overpayment claims (§ 465); and
- 8. beginning in FY 23, authorize the comptroller, at the close of each fiscal year, to record as revenue for a given fiscal year the amount of ASC net revenue tax received by the DRS commissioner within five business days after the July 31 following the end of the fiscal year (§ 464(e)).

Regarding taxpayer records and audits, the act principally:

- 1. authorizes the DRS commissioner to examine the records of any ASC subject to the tax as he deems necessary and impose deficiency assessments and penalties, as prescribed under the act (§ 464(a));
- 2. authorizes the DRS commissioner to enter into an agreement with the DSS commissioner (a) delegating to the latter the authority to examine ASC taxpayer records and returns and determine whether the correct amount of tax has been paid and (b) to facilitate the exchange of returns or return information necessary for the DSS commissioner to perform his responsibilities and ensure compliance with the state's Medicaid program (§ 464(b));
- 3. authorizes the DSS commissioner to engage an independent auditor to assist in performing these duties and responsibilities (§ 464(b));
- 4. authorizes the DRS commissioner to (a) require ASC taxpayers to keep certain prescribed records and produce information relevant to tax calculation, enforcement, and collection, and (b) examine the information and investigate the businesses' character to verify a tax return's accuracy or determine the amount due (§ 464(c)); and
- 5. deems the records, books, papers, documents, data, secure information, and audit reports and work papers maintained or generated under these provisions to be confidential return and return information (existing law establishes narrow conditions under which returns and return information may be disclosed and sets penalties for unauthorized disclosures) (§ 464(c)).

The act also extends to ASC taxpayers the right to appeal actions by the DRS

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or DSS commissioners. Specifically, it:

1. allows an ASC aggrieved by the DRS or DSS commissioner's action, or that of an authorized agent, in setting the amount of the tax, penalty, or interest, to apply, in writing, for a hearing and correction to the DRS commissioner within 60 days after notice of the action, as the act prescribes (§ 466(a)); and
2. allows any ASC aggrieved by the commissioner's order, decision, determination, or disallowance to appeal for relief to the Superior Court for the judicial district of New Britain, which may grant equitable relief (§ 466(b)).

Lastly, regarding the tax's enforcement and collection, the act principally:

1. authorizes the DRS commissioner, and any duly authorized agent, to conduct inquiries, investigations, or hearings as the act provides, and administer oaths and take testimony under oath related to the matter being investigated (§467);
2. authorizes taxes, including penalties, interest, and fees, due and unpaid, to be collected through existing statutory procedures (§ 468); and
3. makes the amount of unpaid tax, penalty, interest, and fees a lien against the ASC's real estate (§ 468).

EFFECTIVE DATE: July 1, 2023, and applicable to calendar quarters beginning on or after that date, except that the provision terminating the prior ASC tax on July 1, 2023, is effective July 1, 2021.

§§ 469-474 & 482-484 — CHANGES TO FY 22-23 BOND AUTHORIZATIONS

Modifies various state general obligation bond authorizations for FYs 22 and 23 that were included in the biennial bond act (PA 21-111)

The act modifies several general obligation (GO) bond authorizations for state projects and grant programs that were included in the FY 22-23 bond act (i.e., PA 21-111), as shown in the following table.

Bond Authorizations for State Agency Projects and Grants

§	Agency and Purpose	Fiscal Year	PA 21-111 Authorization	New Authorization	Difference
469-470	Connecticut Port Authority: grants for improvements to deep water ports, including dredging; at least \$20 million must be used for deep water ports outside of New London	22	\$50,000,000	\$70,000,000	\$20,000,000
469 &	DPH: Health Disparities and Prevention Grant	22	40,000,000	25,000,000	(15,000,000)

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§	Agency and Purpose	Fiscal Year	PA 21-111 Authorization	New Authorization	Difference
471	Program (The act reduces the following amounts reserved from this authorization for FY 22: (1) from \$25 million to \$15 million for federally qualified health centers and (2) from \$15 million to \$10 million for mental health and substance abuse treatment providers.)				
474 & 483		23	40,000,000	0	(40,000,000)
472-473	Office of Policy and Management (OPM): information technology capital investment program	23	15,000,000	40,000,000	25,000,000
474 & 482	OPM: grants to private, nonprofit health and human service organizations that receive state funds to provide direct health or human services to state agency clients, for alterations, renovations, improvements, additions, and new construction, including (1) health, safety, ADA compliance, and energy conservation improvements; (2) information technology systems; (3) technology for independence; and (4) vehicle purchases and property acquisition	23	25,000,000	0	(25,000,000)
484	Department of Administrative Services: school construction projects	23	450,000,000	550,000,000	100,000,000

EFFECTIVE DATE: July 1, 2021, for the FY 22 bond authorizations and July 1, 2022, for the FY 23 authorizations.

§§ 475 & 488 — ECONOMIC ACTION PLAN PROJECTS

Eliminates provisions in PA 21-111 requiring that a portion of the funds available for the state's Economic Action Plan be reserved for projects meeting specified criteria; allows the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, ARPA funds, and available resources to provide grants for selected major projects to implement the state's Economic Action Plan

The state's "Economic Action Plan," also referred to as the "Economic Development Action Plan," is Governor Lamont's proposal to use a combination of state bonds, tax credits, private and municipal matching funds, and other funding streams to support specified economic development programs.

The act eliminates provisions in PA 21-111 requiring that \$125 million of the funds available for the Economic Action Plan be annually reserved for projects that meet specified criteria and requiring the DECD commissioner to (1) receive and consider comments from the Community Investment Fund 2030 Board on funding for these projects, (2) provide quarterly expenditure reports to the board for the projects, and (3) hold public hearings for the projects before the board.

The act instead allows the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, ARPA funds, and other available resources to provide grants for selected major projects to implement the state's Economic Action Plan, as described below. Under the act, the Community Investment Fund 2030 board must review and provide comments to DECD on these projects, rather than the projects funded from the \$125 million of reserved funds described above.

Under the act, the DECD commissioner may provide up to \$100 million for "major projects." (The act does not define this term.) DECD may develop and issue requests for proposals until July 1, 2024, for these projects. It must develop criteria, consistent with the state's Economic Action Plan's purposes, to evaluate and select proposals for funding from the available \$100 million.

The act also allows the DECD commissioner, until July 1, 2024, to establish a competitive grant program to provide matching grants of up to \$10 million to selected major projects. The act does not specify whether these grants count towards the \$100 million cap described above. Selected projects are eligible for matching grants up to twice per year, and the commissioner must establish an application process, eligibility and evaluation criteria, and reporting requirements for the grants.

EFFECTIVE DATE: July 1, 2021

§ 476 — TRS EXEMPTION FOR REEMPLOYED TEACHERS

Extends, until June 30, 2024, an exemption that allows certain retirees receiving a TRS pension to return to teaching without salary limits

The act extends, until June 30, 2024, an exemption from the salary limits that retirees receiving pension benefits from the Teachers Retirement System (TRS) are subject to if they return to a public school teaching position, including

administrator or superintendent positions. As under prior law, the exemption covers any teacher who (1) is receiving TRS benefits based on at least 34 years of credited service, (2) is reemployed as a teacher in an alliance district, and (3) was serving as a teacher in that district on July 1, 2015.

EFFECTIVE DATE: Upon passage

§ 477 — RESIDENTIAL FACILITIES FOR PEOPLE WITH CERTAIN DISABILITIES AND FACILITIES RECEIVING FLAT RATES

Requires DSS to base FY 22 and 23 rates on FY 21 rates adjusted for inflation for (1) private residential facilities and other facilities serving individuals with certain disabilities and (2) community living arrangements and residential care homes that have their rates determined on a flat rate basis; allows DSS to provide fair rent increases in certain circumstances

With certain exceptions, the act requires the Department of Social Services (DSS) to base FY 22 and 23 rates on FY 21 rates inflated by the gross domestic product deflator applicable for each rate year for room and board at (1) private residential facilities and (2) similar facilities operated by regional educational service centers that are licensed to provide residential care for individuals with certain disabilities (i.e., boarding homes that are not intermediate care facilities for individuals with intellectual disabilities). The act allows the DSS commissioner, in her discretion and within available appropriations, to provide proportional fair rent increases to facilities:

1. with documented fair rent additions placed in service in cost report years ending September 30, 2020, and September 30, 2021, that are not otherwise reflected in the rates or
2. if DSS adjusts a facility's rates during FYs 22 or 23 for a capital improvement approved by the Department of Developmental Services (DDS) in consultation with DSS for residents' health or safety.

State regulations permit community living arrangements and residential care homes to have their rates determined on a flat rate basis rather than on the basis of submitted cost reports (Conn. Agencies Regs., § 17-311-54). The act requires DSS to base FY 22 and 23 rates for these facilities on FY 21 rates inflated by the gross domestic product deflator applicable to each rate year.

EFFECTIVE DATE: July 1, 2021

§§ 479-481 — UCONN 2000 INFRASTRUCTURE PROGRAM

Reduces bond authorizations in PA 21-111 by \$55.1 million for two existing UConn 2000 Phase III projects at the UConn Health Center

Project Authorizations

The bond act (PA 21-111) increases bond authorizations for two existing UConn 2000 Phase III projects at the UConn Health Center by a total of \$80.1 million. This act reduces the authorizations for the same two projects by a total of \$55.1 million, resulting in a net increase of \$25 million, as shown in the table

below.

Phase III Project Authorizations (in millions)

Project	Prior Law	PA 21-111 Authorization	New Authorization Under the Act	Net Change
Deferred Maintenance/Code and ADA Compliance/ Infrastructure & Improvements Renovation Lump Sum and Utility, Administrative and Support Facilities – Health Center	\$61.0	\$110.1	\$86.0	\$25.0
Equipment, Library Collections, and Telecommunications – Health Center	75.0	106.0	75.0	0

Annual Bond Limits

PA 21-111 makes a conforming change by increasing the annual bond limits for the UConn 2000 program for FY 22 and FY 23 by \$57.1 million and \$23 million, respectively. This act reduces the annual limits by \$32.1 million in FY 22 and \$23 million in FY 23, for a net increase of \$25 million in FY 22 and no net change in FY 23.

EFFECTIVE DATE: July 1, 2021

§§ 485 & 486 — CONNECTICUT BABY BOND PROGRAM

Modifies the Connecticut Baby Bond Trust program established in PA 21-111 by, among other things, subjecting the bonds issued for the program to the standard Bond Commission approval process

Bond Authorization (§ 486)

PA 21-111 authorizes the state treasurer to issue up to \$600 million in state GO bonds for the Baby Bond program in amounts of up to \$50 million per year from FYs 23-34. It also authorizes him to issue (1) additional bonds or other debt to fund the issuance costs and (2) refunding bonds to retire bonds previously issued under this provision. This act instead allows the State Bond Commission to authorize the issuance of (i.e., allocate) up to \$600 million in bonds over the same period, subject to the same \$50 million per year cap, to fund the transfers to the designated beneficiaries. In doing so, it subjects the bonds issued for this program to the standard Bond Commission approval process.

The act similarly eliminates provisions in PA 21-111 that allowed the

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governor to approve or disapprove the treasurer's bond issuances for the program and deemed the principal amount of the bonds he authorized to be an appropriation and allocation of the bond amounts and an allotment by the governor of funds. It also eliminates the (1) treasurer's authority to make the deposit to the Connecticut Baby Bond Trust from available funds regardless of whether the authorized bonds have been issued and (2) requirement that the treasurer maintain a separate, nonlapsing account to record the bond proceeds and deposits made.

Under PA 21-111, if the amount required for the deposits in any fiscal year is less than the capped amount, or if the governor disapproves some or all of the issuance for that year, then the remaining amount under the cap is carried forward and added to the capped amount for a subsequent fiscal year, but no later than FY 33. This act instead provides that if the Bond Commission does not allocate all or a portion of the bonds in any fiscal year, then the remaining amount must be carried forward and added to the authorized amount for the next two succeeding fiscal years. As under PA 21-111, additional amounts for issuance costs and capitalized interest, if any, may be added to the capped amount in each fiscal year.

Treasurer's Annual Report to the Governor and OPM Secretary (§ 486)

PA 21-111 requires the treasurer to annually submit to the governor and OPM secretary a report and calculation of the total amount required for the deposits for designated beneficiaries born in the prior fiscal year. The act requires him to send this information by certified mail.

Amount Transferred to Each Designated Beneficiary (§ 485)

Under PA 21-111, the state treasurer must establish an accounting for each designated beneficiary and transfer \$3,200 to the accounting at birth. This act (1) allows, rather than requires, him to make this transfer; (2) specifies that the transfer may be up to \$3,200, rather than equal to \$3,200; and (3) requires that it be made from the program's bond proceeds, rather than from the General Fund. The act also requires that the amount of the transfer be proportionately reduced for any year in which the amount of bond funds made available under the program is insufficient to provide the \$3,200 transfer to each beneficiary.

EFFECTIVE DATE: July 1, 2021

§§ 487 & 490 — CHANGES TO SCHOOL CONSTRUCTION GRANTS

Repeals three school construction grant waivers provided by PA 21-111 and modifies the waiver for another

PA 21-111 granted waivers of certain statutory or regulatory requirements to make certain school construction projects eligible for grants or avoid penalties.

The act repeals three of the waivers, as shown in the table below with details of the requirements waived under PA 21-111 (§§ 119, 125, and 126, respectively).

Repealed PA 21-111 Waivers

Town	School and Project	Exemption, Waiver, or Other Change in PA 21-111
New Britain	Jefferson Elementary School, renovation	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$55 million, provided the town files an application before October 1, 2025, and the project is otherwise eligible under the program Increases the project reimbursement rate from 79.29% to 95%, if New Britain meets certain conditions
West Haven	West Haven High School, renovation	Reduces the project funds' withholding percentage from 11% to 5% before the required audit's completion; requires DAS to make a progress payment to the town equal to the difference between 11% and 5% of the reimbursement grant by September 1, 2021
New Britain (state project)	Goodwin Technical High School, project unspecified	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$40 million, if the application is filed by October 1, 2022, and the project is otherwise eligible under the program

The act also modifies the waiver for the Washington Elementary School in West Haven. It eliminates the authorization to reduce the standard withholding amount from 11% to 5% pending an audit's completion. The act leaves unchanged the waiver for school construction space standards for the same project.

EFFECTIVE DATE: July 1, 2021

§ 489 — AWARDING SCHOOL CONSTRUCTION CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES

Delays, until July 1, 2022, changes to the law on awarding contracts for construction management services and maintains the selection criteria required by current law until then

The act (1) delays, from July 1, 2021, until July 1, 2022, the effective date for changes to the law on awarding school construction contracts for construction management services and (2) maintains the selection criteria required by current law until July 1, 2022.

By law and unchanged by the act, most contracts and orders for school construction receiving state assistance must be awarded to the lowest responsible qualified bidder following a public bidding invitation. The law makes exceptions for contracts for construction management and certain other professional services, which instead must be awarded from a pool of up to the four most responsible qualified proposers after a public selection process.

EFFECTIVE DATE: July 1, 2021

Construction Managers

The law requires awarding authorities (e.g., boards of education) to evaluate certain elements of a construction manager proposal. Under prior law, evaluations on and after July 1, 2021, must consider whether the construction manager intends to self-perform any element of the project and the benefit of that to the awarding authority.

The act delays the requirement to consider whether the manager intends to self-perform elements of the project, and related requirements, until July 1, 2022. It also delays to that date provisions that:

1. allow awarding authorities, upon the written approval of the DAS commissioner, to permit a construction manager to self-perform part of the work if the authority and the commissioner determine that will be more cost-effective than using a subcontractor;
2. require that all work not performed by the construction manager be performed by trade subcontractors selected by a process approved by the awarding authority and the commissioner;
3. require that the construction manager's contract include a guaranteed maximum price for the construction cost, which must be determined within 90 days after the trade subcontractors are selected; and
4. prohibit construction from beginning before this determination, except for work relating to site preparation and demolition.

By law, unchanged by the act, the following additional items must also be considered when selecting a construction services manager:

1. the proposer's project price;
2. experience with work of similar size and scope;
3. organizational and team structure;
4. past performance data, including adherence to project schedules and budgets and the number of change orders;
5. the approach to the work required for the contract;
6. documented contract oversight capabilities; and
7. any project-specific criteria.

§ 492 — REPEALER

Repeals a provision requiring SDE to develop a plan for a grade K-12 statewide virtual school

The act repeals PA 21-95, § 15, which would have required SDE to develop a plan for a grade K-12 statewide virtual school to provide instruction through one or more internet-based software platforms. (Section 388, described above, requires SDE to develop a similar plan for a statewide remote school serving these grades.)

EFFECTIVE DATE: July 1, 2021

§ 493 — REPEALER

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Repeals laws that establish the Higher Education Coordinating Council and a pilot program for people who are receiving temporary family assistance program benefits and participating in the Jobs First program

The act repeals statutes that (1) establish the Higher Education Coordinating Council (CGS § 10a-6a) and (2) require the Board of Regents for Higher Education and each constituent unit of the state higher education system to use the council's accountability measures to assess their progress towards meeting certain goals (CGS § 10a-6b).

It also repeals a statute that requires the DSS and DOL commissioners to implement a pilot program for people receiving temporary family assistance program benefits and participating in the Jobs First program (CGS § 17b-112k).

EFFECTIVE DATE: Upon passage

§§ 494 & 497 — ASSORTED HIGHER EDUCATION AND JOB TRAINING REPEALERS

Repeals certain laws relating to higher education certificate and workforce programs; DOL, OWC, and CETC duties; and the Workforce Training Authority

The act repeals statutory provisions:

1. permitting OWC, which the act replaces with OWS, to establish a pilot program providing access to employment training to certain people with dependent minors (CGS § 4-124tt);
2. requiring DOL to fund OWC's Connecticut Career Choices program (CGS § 4-124vv);
3. establishing definitions related to higher education certificate programs (CGS § 10a-57a);
4. requiring (a) higher education institutions and private occupational schools to annually submit certain data about their certificate programs and (b) OHE to annually collect and compile information related to it (CGS § 10a-57b);
5. requiring OHE to annually develop and post online a one-page fact sheet for each subbaccalaureate certificate program offered by each higher education institution and private occupational school (CGS § 10a-57c);
6. requiring OHE to annually review a sample of student data for all for-credit and noncredit subbaccalaureate certificate programs offered by higher education institutions and private occupational schools (CGS § 10a-57e);
7. establishing the force and effect of OWC orders and regulations and addressing conflicts with DOL orders and regulations (CGS § 31-2d);
8. requiring the labor commissioner to conduct certain studies and create specific programs to maximize the state's economic growth and technological progress (CGS § 31-3a);
9. requiring the labor commissioner to establish a customized job training program for preemployment and postemployment job training to meet manufacturing or economic base businesses' labor requirements (CGS §

- 31-3c);
10. requiring the labor commissioner to assist displaced homemakers and give them access to programs specific to their job training and placement needs (CGS § 31-3g);
 11. establishing procedures for addressing when state agencies involved in employment and training receive grant proposals and plans that are inconsistent with a regional workforce development board's annual regional plan (CGS § 31-3p);
 12. requiring all state employment and training programs to be consistent with guidelines issued by the labor commissioner and an obsolete employment and training programs coordination plan (CGS § 31-3q);
 13. permitting the DECD commissioner to allocate certain funds to the labor commissioner to provide employers with job training or retraining for their current or prospective employees, including on meeting ISO 9000 quality standards (CGS § 31-3u);
 14. establishing certain duties and responsibilities for CETC, which the act replaces with the Governor's Workforce Council (CGS §§ 31-3dd, 31-3ii, 31-3oo, 31-3yy, 31-11q, 31-11t & 31-11ff);
 15. making obsolete technical changes to FY 00 payments from the Job Training Partnership Act (CGS § 31-3ff);
 16. establishing responsibilities for approving and submitting the state's workforce development plan and requiring that the governor work with CETC on Workforce Innovation and Opportunity Act waiver requests (CGS § 31-11r);
 17. making obsolete technical changes to the names of federal workforce laws referenced in state statutes (CGS § 31-11gg);
 18. establishing definitions and duties related to the Workforce Training Authority and its fund (CGS §§ 31-11hh, 31-11ii & 31-11jj); and
 19. requiring BOR to create written definitions for all subbaccalaureate certificates earned on a for-credit or noncredit basis and awarded by higher education institutions and private occupational schools (PA 16-44, § 3).

EFFECTIVE DATE: July 1, 2021

Background — Related Act

PA 21-141, § 12, effective July 7, 2021, also repealed several of the same statutes concerning DOL, CETC, and the Job Training Partnership Act, specifically CGS §§ 31-3a, 31-3g, 31-3u, 31-3ff, and 31-3ii.

§ 496 — NOTIFICATION REQUIREMENT FOR SMALL ESTATES

Eliminates a new notification requirement and filing deadline to the process of administering certain small estates to recover state claims when a person supported or cared for by the state dies

Beginning July 1, 2021, PA 21-65 requires the DAS commissioner, or his

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authorized representative, after completing a financial accounting of the assets and debt of certain small estates (i.e., when a person supported or cared for by the state dies and leaves an estate worth less than \$40,000) to (1) make a reasonable effort to inform the next of kin in writing that he or his designee intends to become the estate's legal representative to recover the state's claim for care or assistance rendered to the decedent, and (2) file with the probate court no later than 30 days after making the notification attempt. This act eliminates these requirements.

(Section 454 of this act reinstates the same small estate administration changes as in PA 21-65, § 1, effective October 1, 2021.)

EFFECTIVE DATE: Upon passage